

ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW YORK

-----X
JOSEPH SPADAFORA and GUDELIA
LEVINE,

INDEX NO.

19-CV-6631

Plaintiffs,

-against-

THE STANDARD FIRE INSURANCE
COMPANY,

Defendant.
-----X

DATE TAKEN: July 29, 2020

TIME: 10:51 a.m. - 1:33 p.m.

WITNESS LOCATION: ROCKLAND, MAINE

CLIENT MATTER NO: 357-38446

REMOTE DEPOSITION OF EDWARD GLASER, held by video
teleconference, taken before TAMMY M. SMITH, a
Court Reporter and Notary Public of the State of
Maine.

1 APPEARANCES:

2
3 On behalf of Plaintiffs:

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10 [APPEARED VIA VIDEO TELECONFERENCE]

11
12 On behalf of Defendant:

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18 BY: MICHAEL STERN, ESQUIRE

19 [APPEARED VIA VIDEO TELECONFERENCE]

20
21 ALSO PRESENT:

22 Joseph Spadafora, Plaintiff

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1 STIPULATIONS

2 It is hereby agreed by and between the parties
3 that signature is not waived.

4 It is further stipulated a copy of this
5 examination shall be furnished to the attorney for
6 the witness being examined without charge.

7 THE COURT REPORTER: The attorneys
8 participating in this deposition acknowledge
9 that I am not physically present in the
10 deposition room and that I will be reporting
11 this deposition remotely. They further
12 acknowledge that, in lieu of an oath
13 administered in person, the witness will
14 verbally declare his testimony in the matter
15 is under penalty of perjury. The parties and
16 their counsel consent to this arrangement and
17 waive any objections to this manner of
18 reporting.

19 Please indicate your agreement by stating
20 your name and your agreement on the record.

21 MR. STERN: Michael Stern with Rubin,
22 Fiorella, Friedman & Mercante for defendant,
23 Travelers and Standard Fire Insurance. We
24 agree.

25 MR. DINNOCENZO: Eric Dinnocenzo for the

1 plaintiff. I agree.

2 TRANSCRIPT OF PROCEEDINGS.

3 * * * * *

4 EDWARD GLASER, having been duly sworn by the
5 Notary Public, was deposed and testified as
6 follows:

7 EXAMINATION

8 BY MR. STERN:

9 Q. Good morning, Mr. Glaser. This is going to be
10 an unusual deposition.

11 First of all, have you ever been deposed
12 before?

13 A. Yes, a few times.

14 Q. This is going to, I presume, be an unusual one
15 for you as to the fact that no one is the room
16 with you and we're all remote. I'll do my
17 best to keep it slow and clear, my questions,
18 so that we can have an orderly and easy
19 deposition.

20 A. Thank you.

21 Q. And the instruction that you get is to wait
22 for the question to end before you answer, and
23 I'll wait for you to end. It takes on more
24 meaning here with the difficulty, as our
25 reporter is also just watching us on video.

1 So we need to try to work with each other.

2 If at any point you don't understand my
3 question, which is very common with me, don't
4 try and guess what I'm asking you. Please ask
5 me to rephrase the question. I don't want any
6 trick questions, unless they're intentional.

7 First of all, what's your address? Where
8 are you located?

9 A. I'm located at 548 Old County Road in Rockland
10 Maine, 04841.

11 Q. Is this a residence or a place of business?

12 A. This is -- it's a residence. This is my
13 house.

14 Q. And you just testified earlier that you've
15 been deposed before. Can you give me a
16 rundown on the situations that you were
17 deposed before?

18 A. I'm trying to remember. You know, it's so
19 infrequently. Once I was called as a
20 character witness to a friend who had a
21 schooner that was in an accident. And another
22 time, when I was harbor master, it was over an
23 accident that happened between two boats in
24 the harbor.

25 Q. Okay. So then both times that you were

1 involved in depositions, you were not -- it
2 was not with you being a party, correct?

3 A. Correct.

4 Q. Have you ever given testimony at a trial or
5 other court-type hearing?

6 A. Yes, for my friend who was at -- how do I
7 phrase it -- who was in an incident while he
8 had his boat at anchor. I was asked to --
9 again, it was the same exact deposition, is to
10 make a report on his character.

11 Q. Okay. And so you went to testify at trial in
12 that one, too?

13 A. Yes.

14 Q. Have you ever been qualified to testify at a
15 trial in either federal or a state court as an
16 expert witness before?

17 A. No, I don't believe so.

18 Q. Have you ever been asked to provide
19 expert-type testimony or a report in a case,
20 either a federal, state, or arbitrable matter,
21 prior to this matter?

22 A. As I say, I think I was deposed once and asked
23 as an expert on -- as harbor master on an
24 incident that happened in the harbor.

25 Q. That was based on your position -- strike

1 that.

2 Was that a -- was that a fact testimony
3 or an expert testimony?

4 A. It was a fact testimony.

5 Q. So you've never been requested by a party to
6 litigation or arbitration to provide expert
7 testimony before today?

8 A. Not that I can recall.

9 Q. So you testified -- let's go back into your
10 educational background. Did you -- I presume
11 you graduated high school.

12 A. Yes.

13 Q. And did you -- where did you go to high
14 school?

15 A. I went to high school at South Side Senior
16 High School in a Rockville Centre, New York.

17 Q. So you're another Long Island boy?

18 A. Yes.

19 Q. Did you go to college after high school?

20 A. I went to college, attended Bates College in
21 Lewiston, Maine.

22 Q. Did you graduate from Bates?

23 A. No.

24 Q. How many years did you attend Bates?

25 A. About three and a half.

1 Q. Okay. So what were you studying for almost a
2 full four years at Bates?

3 A. American history. Mostly American history
4 with a smattering of physics.

5 Q. And why did you not complete your degree after
6 attending for three and a half years?

7 A. I took a year off after three years and
8 started working with a man by the name of
9 Lance Lee in Bath, Maine at the
10 Apprenticeshop, which was a boat-building
11 program, as part of the Bath Marine Museum.
12 And through there, worked for a little while
13 at Mystic Seaport.

14 Q. Okay. So tell me about the -- what is the
15 Bath Marine Museum?

16 A. Well, the Bath Marine Museum, at the time, was
17 a starting museum that was mostly tied up with
18 a shipyard that was down there, an old,
19 historic shipyard called the Percy & Small
20 Shipyard, which had been building large wooden
21 vessels since the 1800s. The Apprenticeshop
22 was a small branch of the museum. The museum
23 is now called the Maine Maritime Museum, and
24 it's quite a bit bigger than it used to be.

25 Q. So what did you -- strike that.

1 Were you only an apprentice at the
2 Apprenticeshop?

3 A. No. There were -- I think there were probably
4 six of us at the time when we started.

5 Q. What did you do in the Apprenticeship at the
6 Bath Marine Museum?

7 A. Well, for the most part, what we were doing
8 was just starting the program. We wound up
9 building the building that became the shop. I
10 started from there, and then we formed out all
11 of the different apprentices for three or four
12 months; and I was at the Mystic Seaport
13 working with Will Ansel in the whale boat
14 building program.

15 Q. Let's go back. Before going to the Bath
16 Marine Museum, did you have any training or
17 experience in -- well, first of all, did you
18 have boating experience before going to the
19 Bath Marine Museum?

20 A. Yes.

21 Q. What type -- what was your experience?

22 A. My first experience was my parents were kind
23 enough to buy me an eight-foot sailing dinghy.
24 About the time I was ten, I was sailing off
25 the beach in Port Clyde, Maine. Eventually, I

1 got slightly bigger boats and started sailing
2 a 16-foot Comet that I had for a while and
3 sailed a number of times with other people who
4 were friends of the family in a Thistle and
5 the Friendship Sloop and a Northeast Harbor
6 A-class vessel. So there was some, you know,
7 affinity for boats at that point.

8 Q. Okay. Before going to the Bath Marine Museum,
9 did you have any experience in either building
10 or repairing any type of boat?

11 A. Other than working on my own boat, and not
12 doing very good job, probably the answer is
13 no.

14 Q. Okay. And while you were in college, did you
15 have any involvement or experience in building
16 or repairing boats?

17 A. No.

18 Q. Okay. So when you went to the Bath Marine
19 Museum -- strike that.

20 How long were you at the Bath Maritime
21 Museum?

22 A. I was there about eight months.

23 Q. And in that eight months, you testified that
24 you were basically starting the program?

25 A. Right.

1 Q. So I take it that about at that point, those
2 eight months you were not involved in building
3 or restoring boats?

4 A. Well, as I say, because I spent about three or
5 four months at the Mystic Seaport, we were --
6 they had a large whaling ship there called the
7 Charles W. Morgan. And for the whaling ship,
8 they were building replicas of the 30-foot
9 whale boats that were used by the vessel. So
10 I was involved in the boat-building program
11 there.

12 Q. Okay. So then the eight months you testified
13 to included both the Bath aspect and the
14 Mystic aspect?

15 A. Yes.

16 Q. So then during the three or four months at
17 Mystic -- strike that.

18 How many people were involved in this
19 program to build the whaling boats?

20 A. The program, there were three of us. Will
21 Ansel was the head carpenter, and I think the
22 second carpenter was Pete Vermeer, and then
23 there was me. I was sort of the apprentice in
24 the program.

25 Q. Who is or was Will Ansel?

1 A. He was a Maine historian and boat builder who
2 was, for a while, tied up with the Mystic
3 Seaport.

4 Q. So what --

5 A. Like everybody's who's involved in that
6 industry, he's written a number of books on
7 traditional boats and how they're built.

8 Q. Okay. Now, when you were there for the three
9 or four months, did you get any formal
10 training of any sort?

11 A. Well, it's like most boat builders, it's a
12 hands-on kind of training --

13 Q. Okay.

14 A. -- with a certain amount of instruction that
15 goes with everything that you're doing.

16 Q. So what kind of training did you receive in
17 those three or four months?

18 A. Well, we basically built a whole whale boat
19 from laying out the stem and the keel and
20 cutting the rabbet to where the planks fit in,
21 bending the frames, putting the frames in,
22 planking the boat, and then finishing it off
23 with thwarts. So basically, we built a whole
24 boat.

25 Q. So in three months, three to four months, you

1 built this whole 30-foot boat?

2 A. Yeah.

3 Q. Okay. And what was your role in building that
4 30-foot boat?

5 A. Everything. Once they trust you enough that
6 you're bending the frames and cutting the
7 rabbet and planking, helping to plank the
8 boat, steaming the planks, every part of the
9 boat I was involved in, fastening the frames.

10 Q. Okay. What do you mean by bending planks?

11 A. Well, as you know, a boat has a fairly rounded
12 shape; and wood doesn't necessarily want to go
13 in that shape. So what you oftentimes do is
14 you have to steam a piece of wood to loosen up
15 the fibers so that it sort of slides in place.
16 So as you steam it, then you put the hot plank
17 on the frame of the boat, clamp it in place,
18 and allow it to cool off before you fasten it
19 to the frame.

20 Q. Okay. And how do you fasten it to the frame?

21 A. In that case, it was done with what they call
22 galvanized clenched nails, which is just a nail
23 that is bent over on the inside.

24 Q. Then you mentioned something about a rabbet.
25 What is a rabbet?

1 A. A rabbet is -- there's a seam -- when a plank
2 hits the keel or hits the stem, that's notched
3 so that when you put caulking in to keep it
4 from leaking, it's a nice, smooth, even fit.
5 So you're building a notch through the whole
6 shape of the boat that the planks will fit
7 into.

8 Q. Okay. And when you say the word keel, what do
9 you refer to as a keel of a wooden boat?

10 A. The keel is a structural member that runs
11 forward and out down the center of the boat.

12 Q. Does it go from the -- where does it start --
13 going top to bottom, where does the keel begin
14 on the boat?

15 A. The keel begins at the -- if you're talking
16 about a standard boat with a stem -- the whale
17 boats were double ended, so in effect, it had
18 two stems; and it would go from where the stem
19 comes down to where all of a sudden it starts
20 becoming horizontal.

21 Q. Okay. Do you recall the entire structure,
22 that is -- from the bottom of the hull to the
23 bottom of the keel, is the entire structure
24 called the keel? Or are there various parts
25 of it that are not the keel?

1 A. Usually the whole thing is referred to, in
2 terms of boat building, as a keel. And then
3 you can sort of describe the different parts
4 of it. The part that sits on top of it might
5 be the keelson, and the part that sits
6 underneath -- a whale boat didn't have any
7 part that sat beneath, but if a boat does,
8 because it's a powerboat or a sailboat, that
9 might be called the deadwood.

10 Q. Okay. What is the deadwood? What does it
11 mean, deadwood?

12 A. Deadwood is -- goodness only knows why these
13 terms evolved the way they did. But a
14 deadwood is basically the part that sits below
15 the structural part of the keel. And in a
16 sailboat, it will have the keel or the shoe
17 attached to it to keep the boat from sliding
18 sideways, and in the case of a powerboat, will
19 house the stern tube or the propellor tube,
20 the propellor shaft.

21 Q. Okay. So the deadwood is not structural, you
22 testified, correct?

23 A. Well, it's structurally -- it's not -- all of
24 it is structural in a wooden boat, but it's
25 attached to the main part of the keel, yeah.

1 Q. So you -- you testified then that you were at
2 this program for three to four months. Where
3 did you go after your eight months of being at
4 Bath Marine and this program at the Mystic
5 Seaport?

6 A. Then I shifted over -- I was offered a job by
7 a gentleman by the name Tom Moser who was
8 starting a furniture shop in New Gloucester,
9 Maine; and I spent about eight months with him
10 before I decided it was time to go back to
11 college and finish my college there.

12 Q. Okay. When you were working with Tom Moser
13 Furniture, what were you doing there?

14 A. Everything. Building furniture from pieces of
15 wood. We built harvest tables, and we built
16 shaker reproduction clocks, and we built
17 benches and dovetailed boxes.

18 Q. And so you testified now that you went back to
19 school after the eight months. Do you recall
20 how -- what year this would have been,
21 approximately?

22 A. I think it was -- it would have been '73
23 through '74.

24 Q. And you would have been about 20, 21 at this
25 point?

1 A. Yeah.

2 Q. Where did you go after -- so you went back to
3 Bates after these eight months at the
4 furniture shop, correct?

5 A. Yes.

6 Q. How long did you remain at Bates?

7 A. Just long enough -- well, basically through my
8 senior year. When spring came, I was offered
9 a job working on a schooner as a crew member;
10 and I decided that was a lot more fun than
11 finishing off with my senior thesis.

12 Q. What was your senior thesis going to be?

13 A. Well, that was sort in debate at the time.
14 And the problem was, I hadn't found something
15 I was enamored enough with to spend that much
16 time writing a 75-page paper.

17 Q. And what was the name of the schooner that you
18 went to again?

19 A. I started working as a mate on the Schooner
20 Isaac H. Evans.

21 Q. When you say a mate, did you have to get any
22 sort of maritime licenses or --

23 A. No.

24 Q. There was not a license?

25 A. It was basically just a deckhand. I was a

1 crew member on one of the passenger-carrying
2 schooners.

3 Q. What was the Isaac Evans schooner?

4 A. The Schooner Isaac Evans was built in 1886.

5 She was originally was a New Jersey oyster
6 schooner that had been converted into a
7 passenger-carrying schooner in the mid, early
8 '70s by Doug and Linda Lee. So I think her
9 first sailing season would have been around
10 1973 out of Rockland.

11 Q. What were your duties as a deckhand or a mate
12 upon the Isaac Evans?

13 A. All of the normal sailing jobs that somebody
14 does, as well as taking care of passengers.
15 So I ran the yawl boat. I hoisted the sails,
16 raised the anchor. What a windjammer does --
17 back then, what we did was go on week-long
18 sails. Passengers would board on a Sunday
19 night, and then we would get back on a
20 Saturday. And we'd sail around the Maine
21 coast, anchoring every night.

22 And so it was all of the normal things,
23 which also included washing down the decks,
24 cleaning the heads, painting the boat, doing
25 maintenance on the boat.

1 Q. How long were you -- how long did you serve as
2 a deckhand or mate on the Isaac Evans?

3 A. Well, it was a summer job, and I -- so I
4 worked that summer of 1974. That fall, there
5 was somebody -- the captain of one of the
6 windjammers was buying another windjammer, and
7 he asked if I wanted to be on his crew to
8 bring the boat up from Cape Cod to Maine. So
9 we sailed that boat to Rockland, where they
10 hauled her out to rebuild her. And when I
11 came back in that fall, they were building
12 another -- they were starting the rebuild of
13 another schooner, the Lewis R. French. So I
14 spent that winter working on the schooner, the
15 Lewis R. French, as a boat carpenter.

16 Q. As a boat what?

17 A. Carpenter.

18 Q. And tell me about that. You were working --
19 how many people were involved in building
20 this -- Lewis French, you said?

21 A. Lewis R. French. There were probably about
22 five of us.

23 Q. Those were carpenters? That was everything,
24 five people?

25 A. Yeah, that's everything. That's what we were

1 doing is the carpentry.

2 Q. What does that involve?

3 A. Well, we were rebuilding it. So we were
4 trying to restore it to its original shape,
5 and so we were replacing frames, replacing
6 keel pieces, replacing the transom, the
7 planking. And of course, a project like that
8 takes a number of years. So over the course
9 of the winter, we didn't get the whole thing
10 done.

11 Q. What were -- strike that.

12 Who was in charge of the carpentry
13 program?

14 A. The owner of the boat was Captain John Foss,
15 and he was working with his partner, Captain
16 Doug Lee, who had previously rebuilt the Isaac
17 Evans. So they were in charge.

18 Q. And you were just -- you were one of five
19 carpenters working under these two gentlemen?

20 A. Well, including them, yes.

21 Q. So five included those two men?

22 A. Yes.

23 Q. Were you in charge of any program? Or were
24 you simply one of the guys working at their
25 instruction?

1 A. Just simply one of the guys working.

2 Q. Did you develop any other means or mechanisms
3 or methods of repairing, restoring that boat?

4 A. No. We used entirely traditional techniques.
5 There was nothing new that needed to be
6 invented.

7 Q. When replacing keel pieces, did you replace
8 the entirety of the keel?

9 A. No.

10 Q. Why not?

11 A. Because most of it was in good shape. We
12 replaced parts of the deadwood, the back half.
13 In a sailboat like that, it's not as big a
14 piece because the keel sits flat on the
15 ground; and the planking goes right to it.
16 But we also replaced the entire keelson, which
17 is an inside keel piece that sits on top of
18 the frames.

19 Q. And what does it entail to -- strike that.

20 (Indiscernible. Reporter clarification.)

21 BY MR. STERN:

22 Q. What I was asking is, is there a keelson
23 similar to the keelson on the schooner?

24 A. Yes.

25 Q. And that would run for and aft the keelson?

1 A. Yes.

2 (Technical difficulties.)

3 (Discussion held off the record.)

4 BY MR. STERN:

5 Q. You had testified that the keelson was
6 repaired or replaced on the schooner you were
7 working on, correct?

8 A. Yes. We removed most of it so that we could
9 replace the frames. Unlike a boat like the
10 Gudelia, these frames are fairly massive.
11 They're carved out of big pieces of wood to
12 the shape of the vessel. So they're probably
13 about three-inches-thick pieces of wood.

14 Q. And what is the difference between removing or
15 repairing a keelson on a sailing schooner
16 versus a powerboat?

17 A. Because of the way we were working on the
18 Lewis R. French, we had ripped out everything
19 in the middle of the boat. There was no
20 interior. There were no bulkheads. There
21 were no bunks. There was nothing in there.
22 There was no engine on this boat. Because she
23 was a pure sailboat, everything was easier to
24 get to.

25 Q. O this was basically, in common parlance, a

1 gut renovation?

2 A. We never used that -- but, yeah. We just
3 called it a rebuild.

4 Q. How long did you work on rebuilding the Lewis
5 R. French?

6 A. I just worked on it that winter.

7 Q. And after you worked on the Lewis R. French,
8 where did you go next?

9 A. I wound up working on another schooner, on the
10 Schooner Mary Day.

11 Q. What were your roles on the Schooner Mary Day?

12 A. Again, I was the deckhand/mate. There was a
13 captain, and then the mate was the one who was
14 in charge of doing what the captain told us to
15 do, whether it was adjust sails, hoist the
16 sails, raise the anchor.

17 Q. How long were you working as a mate or a
18 deckhand on the Mary Day?

19 A. I worked on the Mary Day for, I think, about
20 two and a half years.

21 Q. And during that --

22 A. During that season, like all of those jobs,
23 you work on the schooner in the summertime;
24 and in the wintertime, you take another job
25 either as a boat carpenter or as a house

1 carpenter working on the rebuild. In the Mary
2 Day's case, we replaced the transom on her,
3 also some of the framing on the topside.

4 Q. Okay. And that was about two and a half years
5 you worked on the Mary Day, correct?

6 A. Yeah, I think so.

7 Q. And during those two and a half years, were
8 you acting as a boat builder/restorer for
9 anybody else, other than working on the Mary
10 Day?

11 A. I think -- I'm trying to remember. I think I
12 took a few odds and ends of boat-building
13 jobs. I worked on the ferry for the Monhegan
14 Islands. I worked on the topsides, on the
15 boards. I worked on a few other small boat
16 jobs like that. But I spent a few of those
17 winters working as a house carpenter.

18 Q. Going -- this takes us to about, what, 1977,
19 '78?

20 A. About, yeah.

21 Q. And after that, what is your next -- run me
22 through your marine background.

23 A. I can't remember exactly the years, but around
24 then, I got married. We had a child, and we
25 moved to Tenants Harbor, which is on the Maine

1 coast; and I started working full time as a
2 house carpenter for about a year and a half.

3 Q. Okay. And, now, in that year and a half -- so
4 you're full time. You did not work for a
5 boatyard, correct?

6 A. No.

7 Q. After that, when did you come back into the
8 maritime business?

9 A. I didn't write down these dates.

10 Q. That's okay.

11 A. I was asked by Doug and Linda Lee, who I'd
12 worked for previously on the Evans, if I would
13 be interested in working on this schooner.
14 They were building a brand-new schooner called
15 the Heritage. And so we started building this
16 basically 90-foot boat from scratch.

17 Q. What was your role in building that 90-foot
18 boat?

19 A. Well, again, I was basically just a carpenter;
20 but we built it from scratch. We laid the
21 keel. We cut the frames. We put the
22 planking -- it took about five years to build
23 the boat. And in the summertime, when
24 everybody else was out sailing, I stayed in
25 the shop because I had a family; and so I

1 wasn't going to go sailing. And I built the
2 yawl boat, which is the motorized push boat,
3 like a small lobster boat.

4 Q. Okay.

5 A. I rebuilt one of the rowboats. I built
6 another boat. But it was basically shop
7 stuff, helping work on the -- we had a
8 railroad -- a railway where we would work on
9 other people's boats while they were hauled
10 out.

11 Q. When you say working on other people's boats,
12 what would that entail?

13 A. Carpentry, whether it was replacing planks,
14 replacing the interior, working on the
15 engines. Whatever they needed, if they needed
16 an extra hand helping.

17 Q. During that time, did you ever rebuild any
18 boat that had been involved in an incident
19 that was damaged?

20 A. Not really. I mean, we replaced parts of
21 boats that were worn out.

22 Q. So general maintenance?

23 A. General maintenance, yep.

24 Q. Okay. Now --

25 A. And in the wintertime -- in the wintertime, we

1 would work on the schooner. And as the years
2 went by, I became -- you know, you asked if I
3 had a crew work for me. And when we were
4 doing the inside planking -- the inside
5 planking of a big boat like that is called the
6 sealing, because its seals the boat up. And I
7 was the head of the sealing crew and those
8 sorts of things.

9 As we get closer and closer to the finish
10 of the schooner in, what was it, 1986, I was
11 doing more and more of the finish work,
12 building hatches and companionways, that sort
13 of stuff.

14 Q. And after 1986, did you -- what happened next?

15 A. Doug and Linda Lee, who had the schooner
16 built, had previously been sailing the Isaac
17 Evans, which I had sailed on first in 1974,
18 and he asked me if I would like to buy the
19 boat from them and run it.

20 Q. And did you buy the boat from them?

21 A. Yes, yes.

22 Q. When you bought the boat, Isaac Evans, was
23 that your primary employment?

24 A. Yes.

25 Q. Tell me about your -- when did you start and

1 when did you finish?

2 A. Well, I would have started the fall that the
3 Evans -- that the Heritage was just about
4 ready to be launched. That would be 1985. I
5 continued to work on the Heritage, getting her
6 ready in '86, and then spent the spring of
7 1986 working on the Evans, just doing the
8 usual maintenance to get a boat ready to go
9 sailing.

10 Q. And when did you -- so you sailed from 1986
11 until when?

12 A. I don't have the numbers before me, but it was
13 16 years.

14 Q. So that would have been 1990 -- 2002, 2003?

15 A. Yeah, around there. Yep. It's a seasonal
16 business. So you sail for four months of the
17 year or five months of the year, and in the
18 wintertime, you repair and try to improve
19 things. So as I owned the schooner, we did a
20 number of things. I replaced the centerboard
21 trunk. I replaced part of the keelson. We
22 did a lot of stern work. We did a lot of
23 replacement of the planking on the outside of
24 the boat. I built a couple of tenders for the
25 boat, rowboats for it in the wintertime.

1 Q. Now, during these 16 years, the work you're
2 discussing is essentially maintenance,
3 correct?

4 A. Yeah.

5 Q. Your work did not entail post-accident or
6 post-incident type of repair, correct?

7 A. Not usually, no.

8 Q. Well --

9 A. It's -- I mean, as you say, it is -- it is
10 maintenance stuff where you rip things out.
11 You rip out a cabin and you put in another
12 cabin. You change where the water tanks are.
13 We did things like add a hot water system on
14 the boat, added a shower; because we're
15 carrying passengers.

16 Q. And it's pretty necessary on a wooden boat to
17 do routine maintenance, including fastening
18 and plank work, correct?

19 A. When you're dealing with a boat that -- she
20 was built in 1886. When you're dealing with a
21 boat that's 100 years old, yes. If you don't
22 do that kind of maintenance, it gets away from
23 you.

24 Q. Right.

25 During those 16 years, did you work for

1 any other -- did you work for any shipyards
2 during those 16 years?

3 A. No. While I was there at the shipyard and
4 working on the Evans, we had a few other
5 projects that were going on. There were a few
6 other boats that were built there or rebuilt
7 there, including the Schooner American Eagle.
8 I got to work on her while she was hauled out.

9 Q. But that work was being done by the shipyard.
10 You didn't own the shipyard, correct?

11 A. No.

12 Q. You were just repairing and restoring the
13 Isaac Evans at the shipyard?

14 A. Right. And they had boats like the American
15 Eagle and other boats that were hauled out
16 there. Yes.

17 Q. And the work --

18 A. Another little schooner, the Richard Robbins,
19 that we did a lot of work on.

20 Q. Were you employed by the marina at that point?

21 A. For the most part, I was self-employed;
22 because I was employed by the schooner, I
23 mean, my schooner. I was an owner/operator
24 and worked on other odd jobs on some schooners
25 that were hauled out as an individual, as a

1 subcontractor.

2 Q. What type of work did you do on those jobs
3 that you subcontracted?

4 A. Again, it was just like all of the stuff I was
5 doing on schooners. Planking, framing,
6 decking, building companionways, building
7 hatches, building the doors for the cabins.

8 Q. Did there ever come a time when you had any
9 incidents or accidents on the Isaac Evans?

10 A. Yes.

11 Q. And tell me what happened.

12 A. There were a couple of times. Sometimes when
13 you're sailing a boat like that all summer
14 long, you have boats that get close to you or
15 whatever. And so there were a few times that
16 we either were hit by other boats or came
17 close to other boats, nothing that was
18 particularly of great interest.

19 There was one time that stands out in
20 almost everybody's memory, and I think it was
21 my second year or so. We were sailing in
22 Eggemoggin Reach, sailing from Sargentville,
23 Maine to Bucks Harbor, Maine; and we were hit
24 by a squall that came through down off of the
25 mountains, and the schooner sank.

1 Q. And were any lawsuits -- strike that.

2 There were passengers on board, I
3 presume.

4 A. Yes.

5 Q. Were there any injuries to passengers?

6 A. No.

7 Q. Were there any lawsuits filed by passengers
8 against you or the vessel?

9 A. Yes.

10 Q. Do you know what the outcome of those lawsuits
11 were?

12 A. The lawsuit was settled out of court, I
13 believe.

14 Q. It was by your insurance company?

15 A. Yes.

16 Q. Were any charges brought against you
17 personally?

18 A. There was an investigation by the Coast Guard.
19 You can't have something like that happen when
20 you have passengers on board without having
21 some sort of inquiry. But no charges were
22 filed after that.

23 Q. Now, if the boat -- was the boat totally
24 submerged? Or was it capsized?

25 A. Totally submerged. But I mean, it flipped --

1 it didn't flip so much as it went sideways,
2 filled with water, and sank.

3 Q. And what repairs were -- strike that.

4 I presume repairs were necessary to the
5 vessel after the incident.

6 A. Yes. Any systems we had on board that were
7 electrical had to be repaired and replaced.
8 Almost everything was. There was a few
9 bulkheads that needed to be worked on. But
10 other than that, no.

11 Q. Did you do the repair work yourself?

12 A. Yes.

13 Q. Was it compensated by insurance? Or this was
14 done out-of-pocket?

15 A. Both. Insurance didn't quite cover all of the
16 costs. So I did most of it with the insurance
17 money, and then did the rest of it myself.

18 Q. Okay. Now, you mentioned there a few times
19 when you either came in close to other boats
20 or came in contact. Were there any physical
21 damages to your boat caused by any
22 collision-type damage?

23 A. I don't think so. I don't recall anything.

24 Q. Okay. Now, going from 2003, you were there
25 about -- did you sell the Isaac Evans?

1 A. Yes. After 16 years, I sold it to the woman
2 who was my mate that had been sailing with me.

3 Q. And after you sold it, tell me, was there --
4 what was your next -- did you continue being
5 involved in the maritime business?

6 A. Yes. I worked on a small oil tanker, the
7 William McLoon, which carried products from
8 Rockland to all the offshore islands.

9 Q. I presume that was a metal -- a steel vessel?

10 A. Well, interestingly, we had two different
11 boats. One was the steel vessel called the
12 William McLoon; and the other one we had was a
13 wooden oil tanker that was built around 1936
14 in Brooklyn named the Rockland Gulf and was
15 one of the last of the wooden oil tankers.
16 She had metal tanks inside her, but she was a
17 wooden boat. And we did quite a bit of wooden
18 work on her, replacing planks and frames to
19 keep her up to -- at one point, I replaced the
20 pilothouse on her.

21 Q. After you worked for this service, what did
22 you -- what was your next job?

23 A. After that, I worked as harbor master for the
24 City of Rockland.

25 Q. How long were you harbor master?

1 A. Twelve years.

2 Q. And during those 12 years, were you employed
3 by or work at any wooden boat marinas or
4 repair facility shops?

5 A. No. I was work for the City of Rockland as
6 a -- basically, a combination administer and
7 enforcement officer.

8 Q. And after the years as a Rockland harbor
9 master, what did you do next?

10 A. That takes me to a couple of years ago. And
11 so now I've basically been working as a
12 freelancer or boat carpenter.

13 Q. So in all these years we've talked about,
14 you've acted -- you were building -- as mostly
15 as a carpenter, you were building a few
16 smaller boats or working on larger schooners
17 with other people, correct?

18 A. Yes.

19 Q. Doing general maintenance to a wood-type boat,
20 correct?

21 A. It goes beyond -- rebuilding a boat of that
22 size is more than maintenance. I mean,
23 maintenance is fixing something here and
24 there, you know, changing a light bulb. This
25 was taking a chainsaw and cutting a boat and

1 putting new pieces of keel in, new rudders in,
2 that sort of stuff. So it goes a little bit
3 beyond maintenance:

4 Q. But during these years -- going from 1974 or
5 so, all the way to a few years ago, have you
6 ever worked for a marine shop repairing boats
7 for third parties?

8 A. Have I worked for a marine shop? I have
9 worked for people who hired me to work on
10 other boats. Whether they were a shop or a
11 bunch of carpenters, I have worked for
12 employers who would tell me what to do, yep.

13 Q. But at no point in your career were you
14 working for a marine facility, that is, for
15 repairing -- repairing boats that were
16 damaged?

17 A. Correct.

18 Q. And I presume you don't have any marine
19 surveying qualifications or experience?

20 A. No.

21 Q. You have no marine -- no experience as an
22 estimator of damages to a vessel, whether
23 wooden or otherwise, correct?

24 A. Other than being an observer, no, I have never
25 had an official position like that.

1 Q. You have no training in -- strike that.

2 You're not a -- you know, when you go to
3 a shop, when you go to get your car repaired,
4 there's a guy or a woman called the estimator,
5 correct? You're aware of that job, correct?

6 A. Oftentimes, a shop will. Oftentimes, it's
7 usually the owner of the shop.

8 Q. You do not have any experience acting as an
9 estimator for a shop?

10 A. Not officially, no.

11 Q. How about unofficially?

12 A. Well, unofficially, you have conversations
13 with people when a boat comes in. Certainly,
14 as harbor master, I did that a number of
15 times. People would look at a boat that was
16 damaged, and an insurance company would ask me
17 how much it looked like it was going to be.
18 But, no, nothing official.

19 Q. When you were asked by an insurance company,
20 what type of -- what type of repairs or
21 damaged boats were you referring to?

22 A. Well, it would be -- we had a number of
23 incidents in the harbor where a boat would
24 break free and wash ashore, whether it was a
25 wooden boat or a fiberglass boat, and the

1 surveyor or somebody from the insurance
2 company would say, Do you think it's totaled?
3 Do you think the boat is repairable? If we
4 get it off the rocks, what's going to happen?
5 Is it going to sink?

6 And so in that position, it was just sort
7 of a part of conversation about the structure
8 of a boat.

9 Q. So in those conversations, you would not go on
10 board and take photographs and measurements
11 and do things that a marine surveyor would do
12 as an employee for an insurance company?

13 A. No. As I say, I was not a surveyor.

14 Q. What qualifications then do you believe you
15 possess to be giving an expert opinion on the
16 extent of damages to a boat?

17 MR. DINNOCENZO: Objection. You can
18 answer.

19 MR. SPADAFORA: Excuse me?

20 MR. DINNOCENZO: I was objecting to the
21 question, which I haven't done so far; but I
22 may be doing. But you can still answer the
23 question.

24 A. It's a matter of -- an industry like wooden
25 boat building doesn't really have a

1 qualification, per se. There's nobody who I
2 can point to, oh, I graduated from this class
3 or I graduated -- that is going to teach them
4 how to do it. A surveyor sometimes will take
5 a classes in all kinds of things, you know,
6 whether it's wooden boat building or in
7 mechanical stuff; but it's all based in heart
8 on experience rather than on some technical
9 standard. It's not like taking a class from
10 General Motors and saying now you're certified
11 to work on General Motors cars.

12 So all of it is based on experience. And
13 I think over the years of my experience, it
14 has given me a certain insight into vessels,
15 certainly traditional wooden vessels.

16 BY MR. STERN:

17 Q. But your insight, though, is not based on
18 experience as an estimator for a repair
19 facility?

20 A. No.

21 Q. And your insight is not being based on
22 personal knowledge of experience, but actually
23 acting as the repair -- in a repair facility
24 for boats damaged in accidents?

25 A. No. It's based on having worked on boats and

1 how many hours I think it takes to do that
2 job.

3 Q. And that's based on taking apart larger
4 sailing boats and a total rebuild, correct?

5 A. Yeah.

6 Q. From the experience you've discussed, I don't
7 hear -- I did not hear any type of experience,
8 other than routine maintenance for a wood boat
9 or rebuilding, a total rebuild project; is
10 that correct?

11 MR. DINNOCENZO: Objection.

12 BY MR. STERN:

13 Q. You can answer.

14 A. I guess it depends on where you want to draw
15 that line. And that's one of the great things
16 about wooden boats, is they're a fabric. You
17 can replace part of it, and it doesn't quite
18 get to the level of total rebuild. And it's
19 more than what you might call maintenance.

20 Maintenance, to me, is you wash a boat,
21 you paint the bottom, you re-caulk it. But
22 you're taking off the planks and putting in a
23 new frame. It's not a rebuild, but it's
24 certainly more than would be considered normal
25 maintenance. So there's -- it's not a one or

1 the other. It's sort of a continuum of jobs.

2 Q. But you have not been involved in repairing
3 boats that were damaged in a collision or a
4 grounding?

5 A. Not really, no.

6 Q. Okay. How did you come to meet Mr. Spadafora?

7 A. After I was harbor master, I took on a number
8 of jobs delivering boats, operating as what
9 might be the called a teaching captain. And I
10 don't remember exactly who introduced me --
11 oh, I do remember. He had hired a couple of
12 carpenters and then an electrician in Rockland
13 to finish off his boat. And he was looking
14 for somebody to help him learn how to use his
15 boat and operate his boat, and he turned to me
16 and hired me to go out with him a number of
17 times in the evenings while the boat was being
18 finished off to help him use his -- learn how
19 to use his boat.

20 Q. Were -- strike that.

21 This is new to me. Let me ask you this:
22 When you first met Mr. Spadafora, was the boat
23 still at Doug Dodge's facility in Beal [sic]
24 Island, Maine?

25 A. No. It was almost complete, and it was

1 sitting at the dock in -- oh, maybe not. When
2 I first met him, it may have been hauled out
3 still at George Emery's shop in Owls Head.

4 Q. Do you know -- do you know who built -- who
5 was the builder for this boat?

6 A. Yes.

7 Q. Who was that?

8 A. Doug Dodge, Douglas Dodge.

9 Q. And do you know who -- do you know Douglas
10 Dodge?

11 A. I really never have met him, no.

12 Q. Do you know who he is?

13 A. Only because -- I'll be honest, only because
14 Mr. Spadafora had the boat built there. I
15 really hadn't heard of him before that.

16 Q. Now, you mentioned another man. George Emery
17 I think you said.

18 A. Yes.

19 Q. Who is George Emery?

20 A. George Emery a local boat carpenter and had
21 previously worked on quite a few boats as a
22 boat builder and a sailor and owned a small
23 shop in Thomaston.

24 Q. Do you know where -- Doug Dodge is at Beal
25 [sic] Island, correct?

1 A. I guess so. That's what I've heard.

2 Q. Where is Beal [sic] Island in relation to
3 Thomaston or your area, Rockland?

4 A. Well, you go to the end of the earth, and
5 there's Beals Island. It's quite a ways up
6 there. You go -- it literally is an island
7 with a small bridge that goes to it. But it's
8 on the Coast of Maine, further downeast.

9 Q. Okay. And what about Thomaston?

10 A. Thomaston is just around the corner from
11 Rockland. It's the heart Midcoast Maine.

12 Q. Okay. So you go all the way up, and you get
13 to the Eggemoggin Reach, and get to Belfast;
14 and you keep going and you keep going and you
15 keep going, and you get to Beal [sic]?

16 A. Yeah.

17 Q. It's five hours, and you think you're there
18 and you're not?

19 A. Yeah, I don't think it's quite that far; but
20 it is up there a ways. You turn right up by
21 (indiscernible), yep.

22 Q. When you say it was at the shop in -- at
23 George Emery's shop in Thomaston, what was the
24 state of completion of the boat?

25 A. By the way I -- again, I met Mr. Spadafora

1 well before I was hired by him.

2 Q. Understood.

3 A. So I don't know exactly what condition the
4 boat was in. I think it was pretty much done,
5 and they were working on finishing details.
6 By the time I was close to working with him,
7 it was in the water. It was afloat. It was
8 mostly electronics and some finish carpentry
9 that was being done. And it was in the water
10 in Rockland at Journey's End Marina.

11 Q. So it was already almost essentially completed
12 while it was still in Maine, correct?

13 A. Yes.

14 Q. Did you -- were you aware that the boat was
15 allegedly completed in Long Island, that the
16 topside and finishing was in Long Island?

17 A. I know that Mr. Spadafora had had most of the
18 boat built by Doug Dodge in Beals Island and
19 then shipped it down to Long Island to get a
20 cabin done. And it came back to Maine, for
21 some reason, to have the finished electronics
22 and carpentry done on it. So it's been in
23 three different places to get done.

24 Q. Understood.

25 And what did you do then? What was your

1 first role with Mr. Spadafora?

2 A. To some extent, it was walking him through the
3 systems of what makes the boat work. You
4 know, the electronics, the fact that somebody
5 had put (indiscernible, brief audio drop),
6 making sure he necessarily had a grasp of how
7 the GPS worked, how the -- so we worked
8 through all the systems. And everything
9 didn't quite work right. So it was necessary
10 for -- sort of a tutorial on a lot of the
11 stuff.

12 Q. When you say everything didn't work, what do
13 you mean by that?

14 A. Oh, there were little glitches that needed --
15 like in any new boat, there were glitches that
16 needed to be worked out, whether it was the
17 windshield wipers didn't quite work or the
18 alternator -- not the alternator, the power
19 inverter. And it was at the stage -- at that
20 stage that Mr. Spadafora hired another
21 electrician to finish off the electronics and
22 make sure they were right.

23 Q. Do you remember that person's name?

24 A. David. What's David's last name?

25 Q. If you don't remember, don't worry.

1 MR. STERN: I'll leave it blank in the
2 transcript, Ms. Reporter.

3 BY MR. STERN:

4 Q. If you can remember it and can fill it in,
5 that's fine.

6 A. Sure.

7 Q. What -- did you have an understanding of what
8 Mr. Spadafora's experience operating a vessel
9 was?

10 A. I didn't really know what his experience was,
11 but I would say that using a boat like the
12 Gudelia is different than using a lot of other
13 boats. I believe he had been out boating with
14 other people, but I don't believe he'd ever
15 owned his own boat.

16 Q. Did he tell you whether he had his own boat,
17 or he told you he did not own his own boat?

18 A. Did he tell -- I mean, we had conversations;
19 and so I'm assuming he must have told me he
20 never owned another boat. This was his dream
21 to have this boat built.

22 Q. And then did he demonstrate to you a level of
23 competence at seamanship when you were going
24 over the boat with him?

25 A. He was a quick learner.

1 Q. He wasn't experienced beforehand?

2 A. He wasn't that experienced beforehand.

3 Q. Were you surprised that a new-built 38-foot
4 yacht was built with a gasoline engine?

5 A. No.

6 Q. You don't consider that --

7 A. Most of the -- oddly enough, most of the -- a
8 lot of the lobster boats that are out there,
9 probably half of them, have gasoline engines
10 and half of them have diesel engines.

11 Q. Are those working lobster boats or
12 recreational vehicles, vessels?

13 A. Both.

14 Q. How many lobster boat yachts are you aware of?

15 A. Lobster boat yachts?

16 Q. As opposed to working lobster boats, yes.

17 A. We're in Maine, and probably every town in
18 Maine has a handful of them. So, I mean, it
19 could be -- you know, there's hundreds of
20 them.

21 Q. If you were to buy a 38-foot yacht, would you
22 recommend or purchase a gas engine or a diesel
23 engine?

24 A. Personally, I would go with the diesel engine.

25 Q. And why is that?

1 A. I would go with the diesel engine because of
2 fuel efficiency. I believe diesels tend to be
3 a little bit more efficient. They also tend
4 to be a little noisier. They're what -- they
5 also have a record of reliability. Not
6 necessarily the new diesel engines. A lot of
7 the new diesel engines, because they've got
8 electronics, aren't any more -- aren't any
9 better than gasoline engines because of that.

10 But I've always liked the diesel engine.
11 And I work in the other direction. I'm not
12 trying to build a fast boat. I'm trying to
13 build a nice, steady, once you build it, it's
14 going to be there forever. So I would go with
15 the diesel engine if it was up to me.

16 Q. Fair enough.

17 And was your role at this point in time
18 limited to instructing and showing him how to
19 operate a boat?

20 A. Yes, pretty much. I know that there were
21 other jobs that still needed to be done on the
22 boat, whether it was fasten something or run
23 another wire; and I purposely avoided --
24 studiously avoided doing any of that work,
25 because there are other people who are making

1 a living doing that.

2 Q. And as you testified, you never made a living
3 doing that type of work?

4 A. Well, that's what I've done my whole life is
5 make a living off of boats.

6 Q. Not for other people. I'm talking about as a
7 repair facility, building -- a boat shop.

8 A. Right.

9 MR. DINNOCENZO: Objection.

10 A. Yes.

11 BY MR. STERN:

12 Q. Now -- okay. So that would have been, what,
13 about 2015 when you met Mr. Spadafora?

14 A. I think it was more recently than that, but
15 yeah. I don't think it was five years ago. I
16 would have said it was four years ago, but
17 maybe it was five. I don't remember.

18 Q. So four or five years. I'm not trying to
19 create --

20 A. Right, right. I just don't remember exactly
21 what year.

22 Q. Fair enough.

23 And after that point, when did you next
24 speak to Mr. Spadafora?

25 A. Well, at that point, I started working with

1 him on an almost daily basis as he was trying
2 to get the boat ready and as we were taking
3 the boat out and taking trips on it in the
4 afternoon going out of Rockland, practicing
5 docking. So it wasn't just a one-day thing.
6 It was a series of days.

7 Q. Okay.

8 A. And I think it was -- excuse me.

9 Q. Go ahead. I don't want to cut you off.

10 A. And I think it was that fall that he wanted to
11 bring the boat down to New York City.

12 Q. Did you assist him in bringing the boat to New
13 York City?

14 A. Yes.

15 Q. So you were hired as a delivery-type captain?

16 A. Right, with him basically running the boat and
17 me sort of as his advisor.

18 Q. Okay. And how did he handle the Gudelia on
19 his trip south?

20 A. Well, perfectly. You know, we went straight
21 down. We stopped -- what I tried to do with
22 him as we did this was practice a number of
23 things, picking up a mooring, practice
24 anchoring, practice docking in places that he
25 wasn't familiar with; and he did perfectly

1 well.

2 Q. So these were all things that Mr. Spadafora
3 needed to learn in your opinion?

4 A. I think so. I think everybody needs to learn
5 them, yes.

6 Q. But an experienced mariner should already know
7 this, correct?

8 A. There are people who consider themselves
9 experienced mariners who may never have
10 anchored their boat or may be afraid of
11 anchoring their boat. And so I think, like
12 anybody who owns a boat, you need to have all
13 of those tools at your disposal. And some
14 people don't, even though they've been sailing
15 for years, don't have those tools.

16 Q. Do you know how many bilge pumps were in the
17 Gudelia?

18 A. Yes. I'm just counting. There were two in
19 the galley. I think there were two in the
20 engine room and one back aft. So I think
21 there may have been five.

22 Q. Do you know the total amount of water --
23 gallons per hour that those pumps would have
24 handled?

25 A. No, I don't remember. I looked at them, but I

1 don't remember whether they were, like, 750
2 gallons per hours. I don't remember what size
3 they were.

4 Q. Do you know whether the boat had watertight
5 bulkheads?

6 A. Did it have watertight bulkheads? I think --
7 well, yeah. I think the nature of what she
8 had were designed to be water-slows rather
9 than watertight. Every single bulkhead had
10 some kind of a --

11 Q. A limber hole, I presume.

12 A. It was a limber hole or a piercing for piping
13 or electricity. You know, it's not like a
14 full watertight bulkhead.

15 Q. But if it were to be -- if there was an egress
16 of water in one section of the hull, presuming
17 there was, the water should remain, for the
18 most part, in that one section of the hull,
19 right?

20 A. The bilge pumps were designed so that they
21 would keep the water at a level that it was
22 enough in each compartment that it wouldn't
23 spill over into the next compartment.

24 Q. If at any time you want to take a break --
25 we've been going about an hour. You can -- I

1 don't want to make anybody uncomfortable.

2 So...

3 After this delivery run, four or five
4 years ago, did you have any further
5 involvement with Mr. Spadafora or his boat?

6 A. Yes.

7 Q. Tell me about that.

8 A. He kept his boat at a marina in New Jersey,
9 and a couple of times I went down to New
10 Jersey to visit with him. He took me out for
11 a ride on the boat a couple of times, docking
12 the boat at the marina, taking it around the
13 harbor. So, yes, I went out with him a couple
14 of times. We did have one time one winter
15 where I went down and helped him try to
16 winterize the boat so it would be safe through
17 the winter, putting in antifreeze in all the
18 pumps and all the tanks.

19 Q. Were you being paid for that work?

20 A. Was I paid for that work? I think by the time
21 I went down and did that with him, I was no
22 longer being paid. My mother lives in
23 Manhattan. So I was down already visiting
24 her, and so I'd go over and help Joseph.

25 Q. And the boat was at Liberty Landing Marina,

1 correct?

2 A. Yes.

3 Q. And how many years -- you okay?

4 How many -- when was last time you recall
5 visiting Mr. Spadafora at the marina, Liberty
6 Landing?

7 A. I don't remember. We took -- he wanted to
8 have a new windlass put on the bowel of the
9 boat and a new anchor, and we took the boat
10 from New York City to Mystic, Connecticut,
11 where he had somebody look at the boat. And
12 then eventually -- we spent the night, I
13 think, at the marina and turned around and
14 went back to New York. And that would have
15 been the year before. Was that only like two
16 years ago?

17 Q. It was about 2018?

18 A. Yeah.

19 Q. In the fall of 2018?

20 A. You know, I don't remember.

21 Q. Do you know if there was work done at Mystic
22 or the work was done elsewhere, if at all?

23 A. We talked to somebody, a couple of people at
24 Mystic, and didn't have it done there. We
25 brought the boat down to New York City, and I

1 think he had the work done there.

2 Q. It would have been there at Liberty Landing or
3 a different location?

4 A. I think it was at Liberty Landing.

5 Q. Do you know whether the windlass had to be
6 replaced or repaired due to an accident of
7 some sort?

8 A. No, I don't recall that that was the problem.
9 I believe he wanted to have a better windlass
10 and better anchoring, a better way to anchor
11 it than just throwing the anchor over by hand.

12 Q. He had no windlass before?

13 A. No.

14 Q. Okay. Is that unusual on a boat of that size,
15 not to have a windlass?

16 A. Working lobster boats don't usually anchor.

17 Q. Oh, working lobster boats, yeah.

18 A. And -- right. And so some of -- the Gudelia,
19 I believe, some of -- the point of the Gudelia
20 was to make her as close to a working boat as
21 possible. So she didn't have a windlass. She
22 didn't have a bow pulpit. She had an anchor
23 that would just sit on deck.

24 Q. Okay. So this would have been in 2018. And
25 did you become aware of an incident in 2018

1 involving the boat?

2 A. No.

3 Q. No?

4 A. No. I didn't hear about the incident until
5 the boat was already on the transport from
6 Newport.

7 Q. And what did you learn -- strike that.

8 Do you recall who told you of the marine
9 incident?

10 A. I'm sure Mr. Spadafora told me about it.

11 Q. Do you recall when he -- what he told you?

12 A. That there was some damage to the keel, and he
13 was talking to the insurance people.

14 Q. Did he tell you how the damage occurred?

15 A. I think he said something about going into a
16 harbor in New York, yeah, in New York, the
17 northern part of Long Island Sound and having
18 hit something that he didn't know was there.

19 Q. Okay. And do you recall when this happened?
20 Can you -- strike that.

21 Did Mr. Spadafora tell you when the
22 incident occurred?

23 A. I was never clear on exactly the day that it
24 happened, no.

25 Q. Okay. And do you -- when you say it was on

1 the transport, what are you referring to?

2 A. Mr. Spadafora didn't like having his boat in
3 New Jersey in the middle of the winter when he
4 couldn't use the boat. So he was going to
5 have the boat transported down to Puerto Rico
6 so he could use it in the wintertime.

7 Q. And did you -- strike that.

8 How did he make contact with you to tell
9 you about the incident?

10 A. I'm sure it was by phone call.

11 Q. Did he ask you for any advice or any
12 recommendations?

13 A. Not really. I mean, I think it was more an
14 observation than anything else. You know, I
15 think by the time it was down -- the boat was
16 on the transport from Newport. And I think it
17 stopped in Baltimore. And by that time, there
18 were some photographs that he sent to me; and
19 he asked me, I think, what I think about the
20 damage.

21 Q. Let's back up step by step for a while.

22 You -- do you know -- why did he reach out to
23 tell you about the incident?

24 A. Because I'm a friend and his sort of boat
25 advisor.

1 Q. And did he tell you that he drove the boat
2 from New Jersey to Newport, Rhode Island after
3 the incident?

4 A. Well, of course. I didn't really -- I don't
5 think I knew about the incident until after
6 the boat was all the way in Newport.

7 Q. Did you -- but did he tell you that he drove
8 to Newport several days, allegedly, after the
9 incident?

10 A. I don't recall that that's -- that was what
11 he -- you know, at that point -- obviously, if
12 he had hit the boat before he was in Newport,
13 it -- he would have driven it, but I don't
14 remember him telling me that.

15 Q. Do you believe, from what you had seen in the
16 photographs -- and we'll get to that.

17 From what you had seen in the
18 photographs, do you believe it was advisable
19 to drive the 80 or so nautical miles from
20 Liberty Landing Marina in New Jersey, through
21 the city, to Newport, Rhode Island?

22 A. I don't think -- I don't think -- that's sort
23 of after the fact. Unless the boat had been
24 hauled out so somebody could have seen the
25 damage, nobody would have known what the

1 damage was. If the boat was basically
2 operating fine, there'd be no reason to
3 suspect the damage was as severe as it was.

4 Q. Did he tell you whether the boat was operating
5 fine on the way to Newport?

6 A. I don't think -- you know, I'm trying to
7 remember. I don't remember that we discussed
8 how the boat was going, just that he was
9 taking it and he had a friend who was going
10 with him; and they were going to go to
11 Newport. I don't really remember that he said
12 anything about having hit anything.

13 Q. So he told you that he was going to go to
14 Newport before you knew it -- before it was in
15 Newport?

16 A. Say that again.

17 Q. I'll rephrase it.

18 You just testified that he told you that
19 he was going to Newport with a friend,
20 correct?

21 A. Yes.

22 Q. So he called you before the boat was loaded on
23 the cargo ship, correct?

24 A. Yes. He'd been telling me that he was going
25 to get it on that boat, yes, and that there

1 was a time that it was going to be there and
2 that he had to get it by a certain time, yes.

3 Q. And did he tell you in those conversations
4 that the boat had been in an incident?

5 A. I'm trying to remember the timeline, and I
6 don't think he had.

7 Q. So he didn't tell you in these conversations
8 about going to Newport that the boat had been
9 in an incident?

10 A. I don't remember that he had. I wasn't --
11 probably wasn't paying that much attention.
12 Or if he had -- I mean, it's -- you know, it's
13 the -- I don't remember. I really don't.

14 Q. Okay. Would -- you had mentioned the scope of
15 the damage in a passing comment. Would you
16 have considered it advisable to have the boat
17 hauled from the water after the incident
18 before navigating 80 or so nautical miles to
19 Newport?

20 A. Right. That's another one of those things
21 that now having seen the damage, you can say
22 obviously he should have. But having not had
23 the boat out and having seen the damage,
24 somebody could say, Oh, I just hit something.
25 It's not a big deal.

1 Q. If it was your boat and -- strike that.

2 When he told you about the incident, what
3 did he tell you about what happened?

4 A. What I remember him saying was that he had hit
5 something going into a harbor, and it wasn't a
6 big deal.

7 Q. Okay. So he didn't think it was big deal when
8 he struck the object?

9 A. Right.

10 Q. Did he tell you that all five bilge pumps were
11 operating after he hit the object?

12 A. No.

13 Q. Would you be surprised if all five bilge pumps
14 were operating continually after hitting the
15 object?

16 A. Having seen the damage now, I'd say no.

17 Q. So you think that there would be that
18 sufficient amount of water entering the hull
19 from -- strike that. Strike that.

20 So if you had known that all five of the
21 bilge pumps were operating on the return to
22 Jersey City after the incident, would you have
23 considered it advisable to take it out of the
24 water at that time?

25 A. Yes.

1 Q. Would you consider it advisable under that
2 scenario to navigate the boat 80 miles to
3 Newport, Rhode Island?

4 A. No.

5 Q. And you understand that he did navigate it to
6 Newport, Rhode Island?

7 A. Yes.

8 Q. Does that kind of suggest that there wasn't
9 ten -- there wasn't five pumps running?

10 MR. DINNOCENZO: Objection.

11 A. No. I wasn't there. I wouldn't know. I
12 would say if there were five pumps running,
13 then certainly there was a lot more damage
14 than -- you know, that would be consistent
15 with the kind of damage that I've seen.

16 BY MR. STERN:

17 Q. I see. Okay. Now --

18 A. But I wasn't there, and so I don't know.

19 Q. Okay. Fair enough.

20 So you don't know, and you don't know
21 that the five pumps were actually operating,
22 correct?

23 A. Correct.

24 Q. But you do know that if five pumps were
25 operating after this incident occurred, that

1 you personally would not navigate 80 miles in
2 that condition?

3 A. No.

4 Q. When you go from New Jersey in Liberty Landing
5 in the Hudson River to Newport, do you need to
6 navigate in the ocean? Or are you in inland
7 waters?

8 A. You're in inland waters. You're basically
9 going into New York Bay. You're going up the
10 East River. You're going out through Hell's
11 Gate, and then you're going into Long Island
12 Sound.

13 Q. So the entire trip --

14 (Indiscernible cross-talk.)

15 THE REPORTER: You're cutting each other
16 off. I didn't get his entire question.

17 BY MR. STERN:

18 Q. I think my last question was -- strike that.

19 The entire -- read that back. I don't
20 remember.

21 (Indiscernible cross-talk.)

22 THE REPORTER: Everything is -- you were
23 going too fast.

24 A. The basic question was: Taking a boat from
25 Liberty Landing to Mystic was -- at any point,

1 was it an ocean passage?

2 BY MR. STERN:

3 Q. Okay. That sounds good enough.

4 Is the answer yes or no?

5 A. And the answer is that you go through New York

6 Bay, you go up the East River, you go through

7 Long Island Sound, and there might be just the

8 littlest bit that might be considered ocean

9 from where you go from the end of the Long

10 Island Sound into Newport.

11 MR. STERN: Okay. Now we can take a

12 break.

13 (A break was taken from 12:04 p.m. until

14 12:15 p.m.)

15 BY MR. STERN:

16 Q. So we -- you've testified that Mr. Spadafora

17 called you and told you that he had an

18 incident and that the vessel was already on a

19 cargo ship, correct?

20 A. That's my recollection, yes.

21 Q. When -- then you testified that you saw

22 photographs. Please tell me what you were

23 referring to.

24 A. You know, I'm trying to remember. I haven't

25 looked back through my emails to see the first

1 photographs I saw. I know I saw a photograph
2 that wasn't -- I don't think it was as
3 extensive as the photographs that are in the
4 first damage claim from, what, Susquehanna
5 Marine Surveys.

6 Q. So there were photographs before the survey?

7 A. I believe there was a photograph, and I can't
8 remember where it was; but I saw something
9 beforehand, yeah.

10 Q. Let me just -- because now we're getting into
11 something more here.

12 I'm going to mark -- and I've already
13 sent this to everybody, but I'm going to mark
14 as Exhibit 1 -- let me -- why is it doing
15 this?

16 Do you see the expert disclosure
17 document? It's a seven-page document. Do you
18 see this document on the screen?

19 A. Yes, I see it.

20 MR. STERN: Mr. Dinnocenzo, this is what
21 I emailed. I don't think everybody on this
22 Zoom has it. It's going to be marked as
23 Exhibit 1.

24 BY MR. STERN:

25 Q. And it's the expert disclosure. It's dated

1 February 17, 2020; and it includes your
2 report, which is a one-, two-, three-page
3 document with a short biography and
4 affirmation of service?

5 MR. STERN: So everyone sees that? Does
6 everyone see that there?

7 MR. DINNOCENZO: Yes.

8 MR. STERN: Can we mark this as Exhibit
9 1?

10 (Exhibit 1, Expert Disclosure, marked for
11 identification.)

12 BY MR. STERN:

13 Q. Now, you -- let me ask you this -- strike
14 that.

15 You just testified to emails. How many
16 emails -- you exchanged emails with
17 Mr. Spadafora contemporaneous to the incident;
18 is that correct?

19 A. As I said, I haven't checked back through
20 them; so I don't remember if that's true or
21 not. I think I did. I mean, I believe I saw
22 a photograph, you know; and I should have
23 checked. And I can get back to you as to
24 whether I have them or not. But I seem to
25 recall having seen something before this

1 report was issued.

2 Q. Okay. So would that have been taken in
3 Newport?

4 A. Yeah. As I say, I forgot to look it up; and
5 so I can't really -- if you want to go back, I
6 can -- you know, at another time, I can check
7 back on it and give you for sure what I have
8 in my emails. I don't tend to erase anything.

9 Q. I'm going to make a request on the record and
10 follow up with counsel for you to produce
11 every document provided to you by
12 Mr. Spadafora regarding this incident,
13 including emails and photographs.

14 A. Yep.

15 Q. Okay. And then you mentioned a report of
16 Susquehanna Marine Surveying. What were you
17 referring to?

18 A. I believe there was a surveyor sent by the
19 insurance company down to -- does it say where
20 he looked at the boat -- in Baltimore,
21 somewhere around there.

22 Q. Okay.

23 A. There's photographs of the boat hauled out on
24 the cargo ship.

25 Q. Now, why did Mr. Spadafora -- strike that.

1 I assume Mr. Spadafora sent that survey
2 and photographs to you, correct?

3 A. Yeah, I think so.

4 Q. Why did Mr. Spadafora send you the survey
5 report and photographs?

6 A. I think at first it was just to show the
7 damage, but it may have also been to point out
8 that the estimate to get that fixed was way
9 less than would be appropriate for that level
10 of damage.

11 Q. Now, when he sent this to you, did he also
12 send to you an estimate from Travelers, the
13 insurance company?

14 A. Was it at the same time or -- yeah. I mean, I
15 thought this one came first, but I don't
16 remember. As I say, if you want, I can get
17 you all of the -- in terms of the time, all of
18 the emails that I received and what the dates
19 are.

20 Q. That's fair enough. I do make that request.

21 You testified -- strike that.

22 Going quickly to your report -- we'll get
23 to it in more detail, but in your report,
24 which is essentially just this page, beginning
25 with your name and address, beginning between

1 October 2019 and one more page, so it's
2 basically a two-page report, you do not list
3 any documents that you reviewed or relied upon
4 in preparing your report. Yet, now you
5 testify to at least seeing a survey report.

6 Why did you not list any documentation
7 that you relied upon in issuing your report?

8 MR. DINNOCENZO: Mike, can
9 (indiscernible) that? It's really small on my
10 screen.

11 MR. STERN: I have to -- hold on. I
12 forgot about that. You're right. I can see
13 what my screen says.

14 (Discussion held off the record.)

15 BY MR. STERN:

16 Q. But in this report, there is no list of any
17 documents you saw or reviewed or relied upon;
18 is that correct?

19 A. There's one reference, but the reason I didn't
20 is I didn't -- I'm an amateur at this, and I
21 didn't know I was supposed to.

22 Q. Okay. So we'll get to what you reviewed,
23 because you are required by the rules to be
24 putting in documents that you reviewed because
25 it's important. So we do request production

1 of all the documentation that you have in your
2 file regarding this boat, this incident.

3 A. Certainly.

4 Q. Also, there's no indication of the hourly rate
5 that you were charging for your services for
6 Mr. Spadafora. What are you charging him?

7 A. Oh, what am I charging Mr. Spadafora?

8 Q. Yes.

9 A. I'm not charging him anything.

10 Q. Okay.

11 A. I'm his friend. I have not been offered money
12 to do this.

13 Q. So you have --

14 A. He asked me to do this.

15 Q. So you've not been formally retained as an
16 expert witness by Mr. Spadafora or counsel?

17 A. No.

18 MR. DINNOCENZO: Objection.

19 BY MR. STERN:

20 Q. Now, where were we? And before we ask more
21 substantive questions, which we will do, do
22 you see this document entitled "expert
23 disclosure," which is Exhibit 1? Is it big
24 enough for you to read?

25 A. Not really, but go ahead.

1 Q. Where it states that Mr. Glaser is expected to
2 testify in accordance with the content and
3 substance of his report, and it will be based
4 on the evidence in the case, including, but
5 not limited to, deposition testimony and
6 documents, as well as his own examination of
7 the vessel.

8 Are you able to see this? This is the
9 hardest part of this new word, new regime,
10 figuring this out.

11 Where did it go? It disappeared on me.

12 Is that any better?

13 MR. STERN: Does anyone have any doubt
14 that I'm reading the notice correctly?

15 A. No. I accept your reading.

16 BY MR. STERN:

17 Q. Did you -- in preparing your report, which is
18 attached to the February 17, 2020 document,
19 did you review any deposition testimony in
20 this case?

21 A. No.

22 Q. Okay. So you're not going to be competent to
23 testify as to what the deposition testimony
24 says?

25 MR. DINNOCENZO: Objection.

1 BY MR. STERN:

2 Q. You can answer.

3 A. I haven't seen anybody else's depositions.

4 Q. Anybody else, other than your own?

5 A. Isn't this the deposition?

6 Q. Correct. But you've not seen -- you have not
7 seen the deposition of Mr. Stefanowicz?

8 A. No.

9 Q. You have not seen the deposition of the
10 Travelers employee, Nicholas Rago?

11 A. No.

12 Q. You have no seen the deposition of
13 Mrs. Spadafora?

14 A. No.

15 Q. Okay. So then you -- it also says "evidence
16 in case." What evidence have you reviewed?

17 A. Well, I've seen the reports from Susquehanna,
18 and I've seen the reports from Mr. Hughes and
19 Mr. Jesse Lowell, and from
20 Mr. What's-his-name from Scop Boat Works.

21 Q. Now, in your report, the first line states
22 that between October 19, 2019, and October 22,
23 2019, that you inspected the vessel, correct?

24 A. Yes.

25 Q. And I'm paraphrasing, so I'm not going

1 verbatim.

2 A. That's all right.

3 Q. How did it come that you were in Puerto Rico

4 in -- between October 19th and October 22nd?

5 A. Mr. Spadafora asked me if I would go down with

6 him and look at his boat.

7 Q. Okay. And what was the purpose of your

8 looking at his boat?

9 A. Just to assess the damage and what needed to

10 be done and whether it could be repaired.

11 Q. And at that point in time, did he ask you to

12 prepare a report for litigation purposes?

13 A. I don't think he mentioned a report until

14 after we were back.

15 Q. And at the point in October of 2019, were you

16 aware that there was an insurance dispute

17 between Mr. Spadafora and his insurance

18 company?

19 A. Yes.

20 Q. What were -- what did you know about that

21 dispute?

22 A. Well, I had seen -- at the very least, I had

23 seen Susquehanna's report that said that

24 basically they wanted to pay him -- I can't

25 remember what it was -- \$28,000 and something

1 to have the boat opened up and inspected
2 before it was going to be rebuilt to be able
3 to do the work.

4 Q. Was it your understanding --

5 A. And I believe he didn't think that was enough
6 money.

7 Q. And your understanding then the \$28,000 you
8 referred to was to investigate the extent of
9 the damages and not to begin repairs?

10 A. I think -- I think the letter or the survey
11 report said that it would be something in the
12 neighborhood of \$40,000 to fix it, and the
13 first part of the payment would be -- start
14 the process.

15 Q. Okay. And Mr. Spadafora did not agree with
16 the assessment of the insurance company?

17 A. No.

18 Q. Did Mr. Spadafora provide you with the
19 estimate prepared by Travelers' in-house
20 estimator, Nicholas Rago?

21 A. I think so, yes. I don't have it at hand, but
22 yes.

23 Q. Fair enough.

24 And are you aware that Mr. Rago prepared
25 the estimate in consultation with a builder,

1 Douglas Dodge?

2 MR. DINNOCENZO: Objection.

3 A. I hadn't heard that, no.

4 BY MR. STERN:

5 Q. So you're not aware that Nick Rago testified
6 that because he had no wooden boat experience,
7 he called Doug Dodge to find out from Doug
8 Dodge what it would cost to fix the damage to
9 the boat?

10 A. No.

11 Q. Would you agree that Doug Dodge, the builder
12 of the Gudelia, is a competent person to
13 determine what it would cost to repair his
14 boat?

15 A. As I say, I don't know Mr. Dodge. I know he
16 built the boat. I would say that anything he
17 has to say about the boat might be suspect
18 since it took him the better part of, my
19 understanding is, nine years to build the
20 boat. I don't believe that he could then turn
21 around and say that the repair would only
22 take, you know, \$40,000 to do. That
23 doesn't -- that doesn't -- that doesn't seem
24 to make sense.

25 Q. You've no basis to say that he is not

1 competent?

2 A. He's a competent boat builder, yes. To judge

3 on from what I have seen, which is the boat,

4 the Gudelia, he's a competent boat builder.

5 Q. But my question to you was: Despite your

6 characterization of how long it took, from

7 your understanding, you do not -- you do not

8 have a basis to disagree that Mr. Dodge has an

9 understanding of what it would take to fix his

10 boat?

11 A. Has he seen the boat? And has he seen the

12 damage?

13 Q. Based upon the same photographs and the report

14 of the survey and conversations with the

15 surveyor, the estimator, would you agree that

16 Doug Dodge knows how to fix his own boat?

17 A. Did the estimator see the boat?

18 MR. DINNOCENZO: Hold on. Hold on. I

19 just want to object, because this is based on

20 hearsay. But you can answer.

21 BY MR. STERN:

22 Q. My question to you is simple. Is Mr. Dodge --

23 and you would agree that Mr. Dodge knows how

24 to build and repair his own boat?

25 A. Yes.

1 Q. Thank you.

2 You state in your report that the boat
3 was out of the water when you first saw it,
4 correct?

5 A. In Puerto Rico, yes.

6 Q. Do you know -- strike that.

7 Was it in a travel lift when you saw it?
8 Or was it on blocks or something else?

9 A. It was on blocks.

10 Q. When -- how long -- strike that.

11 Do you know whether -- between the time
12 it arrived in Puerto Rico in 2018,
13 thereabouts, December or January, and October
14 of 2019, do you know whether the boat was
15 still in the water during that time period?

16 A. I don't know the timeline of exactly when it
17 got down there and when it was hauled out, no.

18 Q. But presuming the boat -- strike that.

19 You know that the boat was being shipped
20 in November of 2018, correct?

21 A. Yes.

22 Q. And that it would take approximately, what,
23 ten days, two weeks to get from Newport to
24 Puerto Rico, correct?

25 A. Something like that, yeah.

1 Q. So that brings you into the early part or
2 middle part of December of 2018, correct?

3 A. Sure.

4 Q. You agree, correct, that it would have been
5 two weeks?

6 A. Yeah. I don't -- again, I don't remember. I
7 haven't looked up the exact timeline, no.

8 Q. Fair enough.

9 So from December of 2018 to October of
10 2019, when you saw the boat on blocks, do you
11 know whether the boat had been in the water
12 for those 10 months or so?

13 A. I don't think it was in the water that long.
14 It was in the water some of that period of
15 time, yes. I don't remember how long it had
16 been hauled out. I seem to remember hearing
17 something about five months, but not -- but I
18 don't have a specific number.

19 Q. So you -- strike that.

20 Mr. Spadafora told you that the boat had
21 been hauled from the water at some point prior
22 to October of 2019?

23 A. Yes.

24 Q. Do you know the name of the marina where you
25 saw the boat?

1 A. I don't even know that it had a name. It's a
2 small Puerto Rican -- it's not much more than
3 a cement pad with a boat launching ramp.

4 Q. Do you know how the boat was removed from the
5 water?

6 A. They have a small travel lift.

7 Q. Do you know the tonnage?

8 A. No.

9 Q. Did you think -- did you visually observe the
10 travel lift?

11 A. Yes.

12 Q. Do you know what the weight, the displacement
13 of the Gudelia is?

14 A. No.

15 Q. Do you know the displacement, what the
16 weight -- the rating of the travel lift was?

17 A. No.

18 Q. Do you know the beam of the travel lift?

19 A. No.

20 Q. Did the travel lift look large enough to
21 safely haul the Gudelia?

22 A. Yes.

23 Q. Do you know how it was hauled, whether it was
24 properly hauled?

25 A. I wasn't there when the boat was hauled.

1 Q. Fair enough.

2 How was it blocked?

3 A. It was blocked with a -- literally with blocks
4 of wood. They put it -- like all of those
5 boats, you put the keel down on the blocking
6 so that the weight of the boat is on the keel;
7 and then you just need something, whether it's
8 jacks or blocks of wood, to keep it from
9 tipping over from side to side and the --
10 instead of jack stands, they use blocks of
11 wood.

12 Q. Am I correct, though, the keel was making
13 contact with the ground?

14 A. I'm trying to remember. I think it was on
15 blocking. Usually you put it on wooden
16 blocking so that there's enough room to get
17 underneath the boat and paint it.

18 Q. But you testified that the weight of the boat
19 is being supported by the keel on these
20 blocks?

21 A. Yes.

22 Q. Did you determine -- strike that.

23 It was your understanding then that the
24 boat had been hauled from the water perhaps
25 five months before you saw it in Puerto Rico?

1 A. Yes.

2 Q. And then it would have been resting on its
3 keel for about five months, correct?

4 A. Yes. On the blocking on the keel, yeah.

5 Q. And the weight of the boat then is being
6 supported by the keel of the boat?

7 A. Yes.

8 Q. And you don't recall the displacement of the
9 boat?

10 A. No.

11 Q. You were not -- strike that.

12 Did you -- strike that.

13 Did you take any photographs of the
14 Gudelia when you were in Puerto Rico?

15 A. Yeah, I did. I wasn't happy with any of them,
16 but I did take a few photographs.

17 Q. Have you produced them to your counsel -- to
18 Mr. Spadafora or his counsel?

19 A. I don't think so. I think they're still
20 hidden in my camera somewhere.

21 Q. And I request production of those photographs?

22 You just testified you weren't happy with
23 them. Is that because they didn't show
24 anything remarkable?

25 A. They weren't any better than the photographs

1 that were supplied to Susquehanna.

2 Q. Okay. So the only photographs that you relied
3 upon are the Susquehanna photographs?

4 A. Yes.

5 Q. Did you see photographs taken by
6 Mr. Stefanowicz?

7 A. No.

8 Q. Did you see -- strike that.

9 Okay. Now, did you -- strike that.

10 Did you determine whether the boat was
11 blocked properly to have a 90-degree -- for
12 the keel to be 90 degrees perpendicular to the
13 ground?

14 A. The keel was not -- the boat was hauled fairly
15 level. I think they did a good job hauling
16 the boat and putting it on blocks. The keel
17 was not at exactly 90 degrees. It had a
18 slight angle to it.

19 Q. Do you remember the degree of the angle to the
20 keel?

21 A. No. I didn't bring a protractor. But I would
22 say it was off by about two inches, an inch
23 and a half, two inches.

24 Q. And you're aware that in order to accurately
25 determine whether or not a keel is in true

1 alignment, the boat must be properly blocked
2 at 90 degrees of the keel, correct?

3 A. If you're trying to get the exact dimensions,
4 yes, you would square up the boat and make
5 sure that the waterline was level from side to
6 side; and then you would hold a plumb bob,
7 which would give you an exact 90 degree from
8 that. And, no, that wasn't done.

9 Q. So you took -- strike that.

10 You took no measurements to support any
11 of your comments in your report, correct?

12 A. No, I took no measurements.

13 Q. And you took no -- you did not -- strike that.

14 You testified -- you put in your report a
15 two-inch displacement, but there were no
16 measurements to support that, correct?

17 A. No. No exact measurement, no.

18 Q. No measurements or no exact measurements?

19 A. No, no measurement.

20 Q. You have no photographs to show this?

21 A. Not that will have a measuring tape that will
22 show you exactly what the angle is, no.

23 Q. In fact, you recall the photographs by
24 Mr. Scopinich -- there are too many similar
25 names -- by Mr. Stefanowicz. He does a

1 photograph that he shows a few-inch shift of
2 the broken deadwood, correct? And if you
3 want, we can go to that.

4 A. Right. He has a few different pictures of the
5 deadwood. Some of them are where it's crushed
6 and some are where it's not -- yes.

7 Q. Okay. What did you do to conduct your
8 examination of Mr. Spadafora's boat, whether
9 it was up on blocks?

10 A. I walked around the boat. I went down in the
11 bilge. I took photographs. I crawled
12 underneath the boat, looked at the damage that
13 had been done. I basically looked at the same
14 spots that are in this -- the set of the
15 photographs from Mr. Stefanowicz.

16 Q. In other words, you just visually replicated
17 what Mr. Stefanowicz did?

18 A. Yes.

19 Q. And the damage you saw was consistent with the
20 damage in Mr. Stefanowicz's report?

21 A. Yes.

22 Q. You found no --

23 MR. DINNOCENZO: Objection.

24 BY MR. STERN:

25 Q. -- damage that was not -- strike that.

1 You found no greater damage than noted in
2 Mr. Stefanowicz's report?

3 A. No.

4 Q. No means correct, correct? You found no other
5 damages?

6 A. Correct.

7 MR. DINNOCENZO: Objection.

8 BY MR. STERN:

9 Q. You took no steps to determine whether the
10 shaft was out of alignment?

11 A. Other than once the boat was back in the water
12 and Mr. Spadafora motored the boat around to
13 the marina where it was going to sit, the
14 vibration, there was no way of measuring
15 exactly what the out-of-alignmentness [sic]
16 would have been.

17 Q. Okay. When he navigated it, how far was it
18 when he moved it back in the water to where he
19 took it to the marina?

20 A. He took it to the mouth of the harbor and then
21 back into the harbor to go to the marina.

22 Q. How far -- approximately, how far was that?

23 A. A mile or two at the most.

24 Q. During the mile or two, did all bilge pumps
25 operate?

1 A. No.

2 Q. Did any bilge pumps operate?

3 A. One up forward, yes.

4 Q. Is up forward where the damage was?

5 A. There was damage up forward, yes.

6 Q. Was that where the most significant part of
7 the damage was?

8 A. No. The most significant part is back
9 underneath the engine, from the engine all the
10 way back to the stern.

11 Q. Did you do -- did you take any steps to
12 determine why the bilge pump -- strike that.

13 Is it uncommon for a bilge pump in a
14 wooden boat to operate during operation?

15 A. If a boat's been hauled for about five months
16 or so, it's not uncommon.

17 Q. Okay. So it was consistent with your
18 experience that -- a boat that was hauled for
19 five months, you expect some water egress?

20 A. Yes.

21 Q. Did Mr. Spadafora leave the boat or tie the
22 boat back up at a marina and leave it there,
23 to your understanding?

24 A. Yes.

25 Q. Did -- are you aware of any repair work having

1 been done to the Gudelia from November 2018
2 until the time you saw it in October of 2019?

3 A. No. All I'm aware of is the bottom was
4 repainted with two coats of bottom paint
5 before it went back in the water.

6 Q. When was the bottom repainted?

7 A. Just before it went back in the water.

8 Q. In 2019?

9 A. Yes. October of 2019, yes.

10 Q. He repainted the bottom but didn't fix the
11 keel?

12 A. Correct.

13 Q. To be more -- to be clear, the damaged section
14 of the keel, you -- that damaged section you
15 would refer to as the deadwood, correct?

16 A. Yes.

17 Q. You did not see any separation of the keel by
18 the rabbet, correct?

19 A. Yes, I did. There was -- just as is in the
20 photographs from Mr. Stefanowicz, there's --
21 there was still leakage going on there, yes.

22 Q. But the leakage -- strike that.

23 MR. STERN: Let's mark this as Exhibit 2.

24 (Exhibit 2, Stefanowicz Exhibits, marked
25 for identification.)

1 BY MR. STERN:

2 Q. And this was an exhibit that was formally
3 marked at a deposition of Mr. Stefanowicz as
4 Mr. Stefanowicz Exhibit 7.

5 And I presume, Mr. Glaser, that you're
6 not speaking to Mr. Spadafora off the screen.

7 A. No, no, no, no. No, I'm not.

8 MR. SPADAFORA: Wait a second. Let me
9 just be implicitly clear. My wife --

10 MR. STERN: I'm not asking you. I'm
11 talking to the witness.

12 MR. SPADAFORA: I understand, but --

13 MR. STERN: No.

14 MR. SPADAFORA: When I'm off screen -- my
15 wife has cancer. I'm checking with her. Let
16 me be clear about that.

17 MR. STERN: I am asking the witness, not
18 you.

19 A. What's the question?

20 BY MR. STERN:

21 Q. I was just making sure you're not speaking to
22 Mr. Spadafora when you're both off screen.

23 A. No, no, no. What I'm looking at is the
24 Susquehanna marine survey. That's all.

25 Q. Okay. Previously marked -- I'm just

1 clarifying. I'm not accusing.

2 A. Yeah. No, I'm not speaking with anybody.

3 Q. This has been mark as Exhibit 7 on

4 February 6th, 2020, of the deposition of

5 Mr. Stefanowicz. And it's a November 26th,

6 2019 marine survey.

7 This is the survey you're referring to,

8 correct?

9 A. Yes.

10 Q. Let's look at some of the photographs here.

11 This is the Sampogracht. You did not see the

12 vessel on the Sampogracht, did you?

13 A. No.

14 Q. I had to say that. I love Dutch

15 pronunciation.

16 Are you -- I'm going to run through it,

17 and I want you to show me the part you were

18 discussing about the forward -- the damage by

19 the rudder, okay?

20 Do either of these photographs show what

21 you're talking about?

22 A. Well, let me see. They're numbered, right?

23 Q. This is -- the damage is -- Number 1 is what

24 I'm at right now.

25 A. Right.

1 Q. Do these two photographs show what you're
2 referring to?

3 A. Well, that's where -- those are the places
4 that she hit.

5 Q. Okay.

6 A. You were talking about the leakage by the
7 sealing.

8 Q. Well, I'm going to go through the photographs
9 in order so we can do it right.

10 A. Sure.

11 Q. And that's the difficulty in this. I'm going
12 to try and make it easy.

13 A. Yep.

14 Q. Since we're on these photographs, the bottom
15 photograph with the ruler, you see how it's
16 showing displacement of the bottom most part
17 of the deadwood, correct?

18 A. Right.

19 Q. And that's what you -- when you're referring
20 to displacement in your report, this is what
21 you're referring to, correct?

22 A. No.

23 Q. Okay. So are there any photographs showing
24 what you're referring to?

25 A. Yes. This photograph down here, what he calls

1 on page -- you know, he's not numbered things
2 consecutively, so I don't know what the number
3 is, what page it is; but it's labeled here
4 Number 2.

5 Q. Okay. So you see it up on my screen?

6 A. Yeah. The next photo shows the rudder
7 support, the structural part of the keel
8 twisted to port.

9 Q. So you're relying upon what he said in his
10 report -- in your report then? You're just
11 echoing what he says?

12 A. No, no, no.

13 MR. DINNOCENZO: Objection.

14 A. As you see, I saw the same thing. And I
15 didn't think it was -- it needed anymore
16 clarification of what he said here. As you
17 can see, he says that it's been displaced to
18 port. And if you look at the picture, if you
19 keep going down to -- well, obviously, you can
20 see his Picture Number 7, in that, there's
21 weeping going on between the seam where the
22 keel hits the planking.

23 BY MR. STERN:

24 Q. Before we get to the weeping, in Pic Number 2,
25 what you're referring to --

1 A. Yeah.

2 Q. You took no measurements -- strike that.

3 You've testified that in order to
4 accurately determine whether or -- whether
5 under the extent of any displacement, you need
6 to true the boat when it's blocked and take it
7 plumb, correct?

8 A. Yes. If you were looking for the exact, you
9 know, down to the quarter-inch or whatever,
10 yes, that's what you would do.

11 Q. And you never did that?

12 A. No.

13 Q. And you've also testified that the angle --
14 that the angle at which the keel of the boat
15 was blocked was slightly off the 90 degrees,
16 correct?

17 A. No, I didn't say that. I said the boat was --
18 I didn't measure it, so I don't know. You
19 asked me if it had been blocked exactly at 90
20 degrees, and I said I don't know.

21 Q. Well, the record is clear that you testified
22 it wasn't. But --

23 And you also don't know whether this
24 picture, the boat was blocked at a perfect 90
25 degrees; because he's not doing a plumb,

1 correct?

2 A. Correct.

3 Q. So the only -- thank you.

4 Now, the weeping, let's go down to the
5 weeping. Now, when you were talking about any
6 damage toward the rabbet -- first of all, for
7 the record, describe what the rabbet means to
8 you.

9 A. This a good place -- if you're looking at that
10 Picture Number 7, the upper half is the
11 planking.

12 Q. The upper half -- can you see my --

13 A. Yes.

14 Q. So the upper half, you're talking about from
15 this line up to the top?

16 A. Well, it would be the line -- the next plank
17 lower, but yes.

18 Q. Right here?

19 A. It would go down a little further. Do you see
20 where that black weeping is? That's where the
21 rabbet would be.

22 Q. Okay. And above of this weeping lines, this
23 is the hull of the boat, correct?

24 A. That's -- the planking is there.

25 Q. The hull?

1 A. Below that is the keel member.

2 Q. Right. And below that, being here, correct?

3 A. The seam between the planking and the keel is
4 where the rabbet is.

5 Q. Okay.

6 A. And that's where the square edge of the plank
7 fits up against the keel, and in that seam,
8 somebody would -- it's not a wood-to-wood
9 joint. It's done with caulking.

10 Q. Okay. So the weeping would indicate that you
11 need to re-caulk that joint?

12 A. It would indicate there's some kind of
13 movement going on there, yes.

14 Q. And that's not atypical in a wooden boat,
15 correct?

16 A. It's typical in a boat -- if we look at the
17 rest of the boat where there's other spots,
18 there's none of that weeping going on. It
19 would not be atypical for a boat that was
20 quite old, but it's certainly not typical for
21 a boat like this.

22 Q. What is above -- if you were to go into the
23 hull, what is the above this section where you
24 see the weeping? Is there any mechanicals?
25 Would it be the bilge? What would be above

1 it?

2 A. It was the bilge. All of the -- everything
3 above that inside the middle of the boat would
4 be called the bilge; so, yes. And there's
5 usually, in any boat like that, whether it's
6 rainwater or saltwater from leaking, there's
7 always going to some water in the bilge. A
8 bilge pump is not designed to take all of the
9 water out.

10 Q. Would there be any -- strike that.

11 The photo suggests here that there is a
12 lack of water tightness, correct?

13 A. Right.

14 Q. The water tightness would be -- because you
15 said it's probably a wood-to-wood joint, the
16 lack of the water tightness could indicate a
17 problem needing new caulking, correct?

18 A. It indicates some kind of leakage. That's
19 all. And you can't say because it's not
20 caulked correctly -- where it's right over a
21 series of places where the boat hit, I'm
22 saying it really points to some damage being
23 done there.

24 Q. But you didn't go internal to determine the
25 extent of damage above that in the hull of the

1 boat?

2 A. Yeah, I did. And there's nothing I can see
3 from the inside.

4 Q. Okay. Do you know what type of keel bolts
5 were used in the Gudelia?

6 A. I'm trying to remember. I wrote it in my
7 report, I think. I think they were a, what,
8 stainless rod, custom made to fit the boat.

9 Q. And do you know that to be the case? Or are
10 you presuming that to be the case?

11 A. I'm presuming that to be the case.

12 Q. Isn't it true that stainless in the closed
13 type of -- where the keel is made and
14 manufactured, that stainless steel is not the
15 best material for use?

16 A. No, that's not true.

17 Q. Not true, okay.

18 A. Boats have been built with all kinds of
19 different materials over the years, and
20 there's going to be a series of arguments
21 amongst boat builders about exactly what the
22 best material is. They have stainless steel
23 designed just to be used in a saltwater
24 environment. There are cheaper stainless
25 steels that do pit under electrolysis, and

1 there are others that don't. So that's not
2 true.

3 Q. So you made the determination, whether it was
4 stainless or silicone bronze or any type of
5 material, correct?

6 A. I didn't -- I'll tell you, I didn't look at
7 them that carefully to determine exactly what
8 they were. I believe I asked Mr. Spadafora
9 what they were made out of.

10 Q. He told you they were made of stainless steel?

11 A. I believe so. I'm trying to remember what I
12 wrote down here or whether I just looked it
13 up. The keel, yeah, I believe he said it was
14 some kind of high-grade stainless steel.
15 Stainless steel boats is what I have.

16 Q. Okay. But he didn't show you any
17 documentation from the building of the boat or
18 anything else to suggest -- to show that they
19 were stainless steel, correct?

20 A. No.

21 Q. And you were -- did you see any of the keel
22 bolts in your examination of the boat?

23 A. Yes. I saw the nuts and the keel bolts coming
24 through the keel.

25 Q. And were you able to determine whether those

1 were stainless or silicone?

2 A. I didn't look to see what they were.

3 Q. Is there a way tell the difference visually?

4 Or do they look the same?

5 A. They looked fairly similar. I mean, real
6 stainless steel is going to have a metallic,
7 silvery color; and silicone bronze will have a
8 bronze kind of color. There are different
9 kinds of silicone bronze, like a Monel, which
10 almost looks like a stainless steel. But
11 they're similar. And neither one of those is
12 magnetic. So you can't just put a magnet on
13 it and say, oh, it's this or that.

14 Q. When you -- strike that.

15 Were you present when the boat was
16 relaunched?

17 A. Yes.

18 Q. Did you notice or observe any leaking from the
19 gas tanks when the boat was in the water?

20 A. No.

21 Q. Did you notice -- is it unusual, in your
22 opinion, to notice gasoline or oil in the
23 bilge water?

24 A. Yes.

25 Q. It's unusual?

1 A. Yes.

2 Q. And why is that?

3 A. It's unusual because you have separate
4 systems. You don't purposely have a system
5 where the gasoline would be in the bilge
6 water, because that gets pumped overboard.
7 You don't want that to happen, because that's
8 pollution. So it's normal to not have -- in
9 the Gudelia's case, she has a catch pan under
10 the engine, so if there's any oil that's
11 spilled, it would wind up in there rather than
12 the bilge.

13 Q. Is the catch pan under the bilge?

14 A. It's sitting above the stringers in the bilge
15 so that it would catch the oil before it
16 drains into the bilge.

17 Q. If the bilge didn't drain, there could be oil
18 in the catch pan, which is, you could see the
19 oil in the catch pan or in the bilgy water,
20 correct?

21 A. You would see the oil in the catch pan because
22 it's just a metal pan that's kept fairly
23 clean, yes.

24 Q. Are you familiar -- are you aware of any
25 damage to gas tanks?

1 A. No. And that's -- you know, that could be one
2 of the arguments, is there's all kinds of
3 damage that could have been done.

4 Q. I'm not asking -- you're here to be an expert
5 on what you've seen. And you saw no evidence
6 of the --

7 A. I saw no evidence, no.

8 Q. And you saw -- other than that one photograph
9 we looked at that wasn't yours which showed
10 the skeg or the part of the wood under the
11 propeller visually looking slightly off, you
12 have no photographs or measurements or any
13 evidence to demonstrate that the keel was
14 separated from the hull up by the keelson or
15 the upper part of the keel, correct?

16 A. No. I did not take any exact measurements.
17 You're right.

18 Q. So your statements are more hypothetical. You
19 have no fact to support your statements about
20 any damage other than the damage you've
21 already testified you'd seen in
22 Mr. Spadafora's photographs?

23 MR. DINNOCENZO: Objection.

24 A. Yeah. I would say that seeing something and
25 summing it up is not the same as having no

1 evidence. I don't have -- I have not taken
2 any measurements, but that doesn't mean I
3 didn't see that it was off.

4 BY MR. STERN:

5 Q. Okay. But your observation --

6 A. You made the observation that I was the expert
7 witness, and as an expert witness, I'll say it
8 was off. It was off kilter.

9 Q. I didn't make that observation. But your
10 testimony is that --

11 A. You did make that observation that I was an
12 expert witness just a minute ago.

13 Q. Your observations, though, are consistent with
14 the observations of Mr. Stefanowicz?

15 A. Yes.

16 MR. DINNOCENZO: Objection.

17 BY MR. STERN:

18 Q. And those observations are the damage is
19 localized to the deadwood section of the keel?

20 A. I don't believe that's what he said, but yes.

21 Q. You also did not -- other than the leaks that
22 you testified to earlier, you did not see
23 evidence of substantial leaking at or near the
24 section where the keel was damaged?

25 A. No, other than the -- other than -- as you see

1 in those pictures, there's a number of spots
2 where there's weeping going on, yes.

3 Q. Now, when Mr. Spadafora had the bottom
4 repainted, were those weeping marks painted
5 over?

6 A. Yes.

7 Q. And was the deadwood section painted as well?

8 A. I believe so, yes. As much as they possibly
9 could, yes.

10 Q. To your understanding, why would somebody
11 repaint a damaged keel as opposed to repairing
12 it?

13 MR. DINNOCENZO: Objection.

14 A. Because the insurance hasn't paid for anything
15 yet, and you paint it so it could go back in
16 the water; and you paint it to protect the
17 bottom from whatever marine life might be
18 there in warm water.

19 MR. STERN: Move to strike the section
20 about the insurance.

21 BY MR. STERN:

22 Q. So what -- do you agree that instead of
23 putting it in the water painted, it would be
24 advisable to have it repaired first?

25 A. Would I advise that it was -- of course.

1 Yeah.

2 Q. Would you advice -- strike that.

3 Do you know whether Mr. Spadafora
4 intended to use the boat in Puerto Rico after
5 relaunching it?

6 A. No.

7 Q. You don't understand that? Or he said he was
8 not going to use it?

9 A. I understand that he wasn't planning on using
10 it until this whole thing had been settled.

11 Q. Do you know whether or not -- the boat, from
12 December and January of 2018, 2019, to the
13 time you saw it, do you know whether he used
14 the boat at any point in time?

15 A. No.

16 Q. Now, in your report, it's the section that's
17 on my screen, the second paragraph where you
18 say the yank has shifted the shaft log, do you
19 see that?

20 A. Yes.

21 Q. You're saying there -- if I understand, your
22 testimony is based solely upon having that
23 (indiscernible) boat in that short, one-mile
24 relaunch trip, correct?

25 A. Well, also seeing it out of the water, yes.

1 Q. Did you take any photographs to demonstrate
2 that the shaft log was out of alignment?

3 A. I'll look at my photographs and see if
4 anything shows there, but, yes.

5 Q. And just going down to the paragraph that
6 begins "of note," do you see that?

7 A. Yep.

8 Q. And the last part of that paragraph: After
9 launching, I noticed the Gudelia leaked, but
10 more in line of what would be expected of a
11 strain on all the joints and keel bolts rather
12 than a split in the upper part of the keel,
13 correct?

14 A. Correct.

15 Q. And that's because the only split in the keel
16 is the deadwood. And I will, of course,
17 qualify with your testimony on weeping. But
18 the only split was in the deadwood?

19 A. The boat, if you look at the pictures that are
20 here, was built fairly ruggedly; and the
21 deadwood, though it's scarred on the bottom,
22 is still a big structural piece that doesn't
23 have a lot of splits in it. So what I was
24 referring to is when those -- when that thing
25 took that yank when it was sitting on the

1 keel, it started at the seams, where you can
2 see the leakage, but it strain the keel member
3 down the center of the boat, from what I could
4 see.

5 Q. Okay. Then what you could see then is solely
6 the damage depicted by the photographs by Mr.
7 Stefanowicz?

8 A. Pretty close, yes.

9 Q. Okay. And to repair that damage, to repair
10 the deadwood damage is, I believe in your --
11 your report states is nothing more than
12 basic -- where is it? The split and
13 splintering -- this is the first page of the
14 report, bottom paragraph -- they are
15 repairable in a matter of few weeks. That
16 entails standard boat carpentry; is that
17 correct?

18 A. Yes.

19 Q. Thank you. And if you --

20 A. And if you read the rest of the
21 recommendations from Mr. Stefanowicz, who saw
22 it, he also says, just as I did, damage to
23 keel may be found -- more damage can be found
24 once the repair process starts, and it is the
25 recommendation that the underside of the keel

1 and deadwood be removed in sections from the
2 keel frame and any mechanical fasteners, such
3 as keel bolts, be closely inspected for any
4 sign of damage. This process will require the
5 propeller, crop, shaft, and rudder to be
6 removed. This may also require the engine to
7 be lifted, as it may be required to access any
8 keel fasteners that may be under there. The
9 underside is also attached to (indiscernible)
10 photos provided by the policy holder.

11 So what he's saying is what I'm saying.

12 Q. So you're not here to testify to what Bob
13 Stefanowicz has already testified to.

14 MR. STERN: As to the question, I move to
15 strike that last comment.

16 MR. DINNOCENZO: You're interrupting his
17 answer.

18 MR. STERN: No, I'm not. There's no
19 question pending.

20 BY MR. STERN:

21 Q. And Mr. Stefanowicz testified. You're not
22 here to testify to his testimony. I'm going
23 by your report, and you've answered the
24 question.

25 Did you review -- strike that. Did

1 you -- strike that.

2 Let's go back to the first page. Do you
3 have an understanding as to what your role in
4 this litigation is?

5 A. I would say my role is as somebody who has
6 seen the boat out of the water, felt the
7 vibration, has known the boat before it hit
8 the submerged object, and has some familiarity
9 with how wooden boats are built.

10 Q. Okay. Much of what you just testified to was
11 not in your report about your familiarity with
12 the boat, your experience. That isn't in your
13 report, is it?

14 MR. DINNOCENZO: Objection.

15 A. Does it need to be?

16 BY MR. STERN:

17 Q. Well, if that's what you testified -- strike
18 that.

19 Do you understand what the role -- the
20 importance of an expert report is?

21 A. No. You'll have to instruct me.

22 Q. That's not my job to instruct you. That was
23 the plaintiff's job.

24 MR. DINNOCENZO: Objection.

25 BY MR. STERN:

1 Q. Did you see any documentation --

2 MR. STERN: Let's mark this as Exhibit 3.
3 This is the July 27th, 2020 letter by counsel
4 to the Court.

5 (Exhibit 3, July 27, 2020 letter, marked
6 for identification.)

7 MR. DINNOCENZO: I object to this being
8 marked as an exhibit.

9 MR. STERN: Objection noted.

10 BY MR. STERN:

11 Q. Are you aware -- strike that.

12 Were you provided any indication from
13 either counsel or Mr. Spadafora that any
14 dispute that was being made in this case about
15 the damage to the deadwood section of the
16 keel -- and we're talking about today -- was
17 not caused by striking a submerged object?

18 A. No. I must say, I have no idea what you're
19 talking about.

20 Q. Okay. Do you have -- first of all, that
21 question was way too long. I don't even know
22 what I asked.

23 Did -- are you -- strike that.

24 Were you told that there was an issue as
25 to whether the damage to the keel that we're

1 talking about today was caused by striking a
2 submerged object?

3 A. No.

4 Q. Okay. Were you asked to provide expert
5 opinion about if the damage you saw to the
6 keel of the boat we're talking about today was
7 or was not caused by striking a submerged
8 object?

9 A. No.

10 Q. So in counsel's letter, he tells the Court
11 that you will testify that solely -- that
12 solely the submerged rock caused damage. Were
13 you asked to testify to that?

14 A. No. I don't believe I was given specific
15 instructions.

16 Q. I mean, you do agree -- strike that.

17 You've also indicated that you saw
18 Mr. Lowell's report, correct?

19 A. Yes.

20 Q. And Mr. Lowell, like you, opines on his
21 opinion as to the amount of time needed to
22 repair this boat, correct?

23 A. Yes.

24 Q. You both are giving a report as to how long
25 it's going to take to repair the boat,

1 correct?

2 A. Yes.

3 Q. You opined that it would take about 2,390

4 hours, give or take, correct?

5 A. Yes.

6 Q. Mr. Lowell opines it would take between

7 2,500 -- 2,800 and 3,500 hours thereabouts; is

8 that correct?

9 A. Yes. I'm looking at his, and that's what it

10 says, yes.

11 Q. So you don't agree with Mr. Lowell -- strike

12 that.

13 Mr. Lowell's opinion does not agree with

14 your opinion?

15 A. The basic outline is the same, but the exact

16 numbers are apart.

17 Q. And you would agree with me that 1,000 hours

18 is a substantial difference?

19 A. Yes.

20 MR. STERN: I'm just looking through my

21 exhibits to see whether I need anymore

22 exhibits.

23 Okay. Now, I'm going to share -- let's

24 mark this -- it was previously marked, but

25 we'll mark this as Exhibit 4, which is the

1 December 20th, 2018 estimate by Joseph -- by
2 Paul Scopinich of Scop Boat Works, Inc.

3 (Exhibit 9, December 20, 2018 Estimate by
4 Paul Scopinich of a Scop Boat Works, Inc.,
5 marked for identification.)

6 BY MR. STERN:

7 Q. I believe you testified -- you testified that
8 you remember seeing this document, correct?

9 A. Yes.

10 Q. Now, looking through this document, you'll
11 notice that Mr. Scopinich refers to making
12 work to the pilothouse and doing fiberglass in
13 the pilothouse. You don't -- that's not part
14 of -- there is no damage in your summation to
15 the pilothouse or the cockpit or the cabin of
16 the boat caused by this submerged object,
17 correct?

18 A. No, there was no damage done directly to the
19 pilothouse because of this.

20 Q. Thank you.

21 He also has a Number 2 fabricated custom
22 cradle. Would you agree that a boatyard, a
23 competent wooden boatyard will have cradles or
24 make those as the tools of their business?
25 Correct?

1 A. Custom-made boats have custom-made cradles.

2 Q. But those are part of the -- those are part of
3 the tools of the shop, correct?

4 MR. DINNOCENZO: You're interrupting his
5 answer. So why don't you let him answer and
6 then ask your question? And you've done this
7 throughout the deposition.

8 MR. STERN: No, I really haven't.

9 MR. DINNOCENZO: Yes, you do.

10 A. Every vessel has a different shape, and so one
11 makes a cradle to fit the shape of the boat.
12 And if you go to any boatyard, you'll see a
13 stack of different cradles, and they will all
14 have the boat's name painted on them, because
15 each cradle has to fit each boat. There are
16 no stock cradles, unless it is a stock boat.

17 BY MR. STERN:

18 Q. But that is not part of the boat. That's part
19 of the -- well, strike that. Move on.

20 A. It would be part of the repair process.

21 MR. STERN: We're coming close. With the
22 exception of keeping the deposition open,
23 pending the receipt of the all the documents
24 provided to the witness, including any
25 correspondence, emails between the witness and

1 Mr. Spadafora, I have nothing further today.

2 MR. DINNOCENZO: I just have a brief
3 follow-up for some clarification.

4 EXAMINATION

5 BY MR. DINNOCENZO:

6 Q. Mr. Glaser, do you have an opinion as to what
7 caused the damage to the Gudelia?

8 A. I'd say it's consistent with hitting a
9 submerged object, sitting on that submerged
10 object, and trying to get the boat off of the
11 submerged object.

12 I can't imagine that kind of damage
13 either to the bottom of the keel or to the
14 seam by the rabbet could be caused by anything
15 other than sitting on a submerged object. I
16 don't know how anybody could -- didn't realize
17 that was a dispute, because I can't imagine
18 what else could have caused it.

19 Q. So is it your opinion that no damage was
20 caused to the Gudelia by transporting it to
21 Puerto Rico?

22 A. No. The pictures -- the pictures show it on
23 the boat, show it correctly blocked. And
24 there's absolutely no way to believe that they
25 would have done anything wrong in the way that

1 they picked it up.

2 Q. Do you believe the damage that you saw was
3 caused by Mr. Spadafora driving the boat
4 between the accident and when it was loaded on
5 to the freighter?

6 A. No.

7 Q. What is the significance of the weeping that
8 is shown in the Stefanowicz photographs?

9 A. Well, it means that the keel has been
10 knocked -- it's a matter of torque. If you
11 move something at the bottom of a T, even this
12 much, that place at the top of the T, which is
13 where the keel meets the planking, is going to
14 have a -- is going to move. If this bottom
15 piece stays flat, then you're not going to get
16 that kind of weeping. And by moving it like
17 this, you stress that seam that's at the top;
18 and therefore, that seam will start to leak.

19 Q. And in that situation -- let me withdraw the
20 question.

21 Does that contribute to your opinion that
22 the entire keel needs to be replaced?

23 A. Yes.

24 Q. Why?

25 A. What happens is when you strain something like

1 that, when a boat is built this heavily and
2 you strain it like that, there are fastenings
3 that hold the keel all the way, or the
4 deadwood part, to the top part of the keel;
5 and that strain has either bent the bolts that
6 are helping to hold it or has elongated the
7 holes or split the wood, which is what I was
8 talking about, splitting the keel. I don't
9 see any splitting in the keel where that bent.
10 So I'm assuming even the bolts are somewhat
11 bent or the holes are somewhat bent. And just
12 as Mr. Stefanowicz says in his report, the
13 only way to look at that and find out for sure
14 what's going on there is to remove the whole
15 keel.

16 Q. And -- just one moment.

17 Why in those circumstances can you not
18 just scarf in a new piece of deadwood where
19 the damaged deadwood is?

20 A. And that's what I was saying, is if all you're
21 trying to do is repair the deadwood, that's
22 easy to do; but that doesn't solve the problem
23 of the damage to the boat. The damage to the
24 boat -- the damage to the boat is the fact
25 that this is not knocked off at kilter, and

1 that is not going to be fixed by fixing the
2 bottom of the T. That's at the top of the T.
3 And the bottom of the T, you can fix all you
4 want; and that may make the boat look good on
5 the outside, but that doesn't solve the safety
6 problem or the fact that the boat is starting
7 to leak at this seam.

8 Q. What is the safety problem?

9 A. Well, the safety problem is once you strain
10 something like that and the holes for the
11 bolts or the bolts themselves are bent, you no
12 longer have the same kind of structural
13 integrity that you had when the boat was
14 built.

15 MR. DINNOCENZO: No further questions.

16 MR. STERN: I have one or two follow-ups.

17 FURTHER EXAMINATION

18 BY MR. STERN:

19 Q. In your answer to counsel, you used a very
20 important word. You are assuming that they
21 were bent. Your word was assume. You have no
22 evidence, other than your assumptions of the
23 damage you're now stating, correct? You have
24 no evidence, photographs, no measurements,
25 nothing?

1 A. There is no way to ascertain -- as all of your
2 observers have made, there is no way to
3 ascertain for sure what the damage was until
4 you take the boat apart and look at it. So,
5 yes, there's an assumption that something is
6 wrong there. We don't know exactly what it
7 is, and that's why it has to be taken apart.

8 Q. So you're agreeing with Bob Stefanowicz's
9 report?

10 A. Basically, yes, except for his conclusion
11 about how much it's worth paying; because as
12 he says in the report, he doesn't have a clue.

13 Q. Then you've agreed with his report?

14 A. Not his final -- I'm agreeing with the steps
15 up to his final decision.

16 MR. STERN: Thank you very much. No
17 further questions.

18 FURTHER EXAMINATION

19 BY MR. DINNOCENZO:

20 Q. So is it your testimony, Mr. Glaser, that
21 simply scarfing in new deadwood over the
22 damaged wood could potentially fix the damage
23 to the Gudelia?

24 A. No, no. That will certainly -- just scarfing
25 in a piece of wood will not fix the damage.

1 That will fix what looks like some of the
2 apparent damage, but the rest of the boat, as
3 you can see in the pictures, has got a leak
4 where the seam is; and that's not going to be
5 fixed by scarfing in a piece of wood.

6 Q. Can you clarify then? Because I believe what
7 Mr. Stern was asking was that you are assuming
8 that there is this greater damage to the keel
9 without having any evidence of it and that
10 that possibly may not be the case. Is that
11 your testimony?

12 A. I'm not quite sure what you're saying.

13 Q. Have you -- is it your testimony that you are
14 assuming or presuming that there is damage to
15 the keel bolts that would require replacement
16 of the keel, and it may be a possibility that
17 there is no such damage and that scarfing in
18 new wood may be sufficient?

19 A. No. At no point is scarfing in wood going to
20 be sufficient to fix this problem.

21 Q. Right, but my question is: Mr. Stern, he just
22 asked you -- you don't have measurements. You
23 don't have evidence. And you were just
24 assuming that there is this greater damage to
25 the keel. Is that your testimony that this is

1 an assumptions?

2 A. I wouldn't use the word assumption. I'd use
3 the word direct visual evidence that there's
4 more damage, plus the vibration, plus the fact
5 that I saw that the keel is off center, and
6 plus the pictures of the weeping. Those are
7 consistent with something having happened at
8 the top part of that seam. It's not an
9 assumption. There is visual photographic
10 evidence that something has happened there.
11 Exactly what has happened there, nobody will
12 know until you dig into it.

13 Q. Is it your belief that it's possible that the
14 keel bolts are not bent in any location?

15 A. Yes.

16 Q. You believe that's possible?

17 A. It is certainly possible it's not the keel
18 bolts that are the problem. It's certainly
19 possible that the keel itself, the deadwood --
20 you know, when you drill a hole through there,
21 you make a hole the same size as the bolts so
22 that there isn't going to be a lot of leaking
23 or anything going on like that. Once you
24 stress something like that -- wood is not
25 quite as flexible as rubber, so it has a

1 certain amount of give. Either something
2 inside has -- something inside has changed,
3 whether the holes have been elongated or
4 whether the holes have been split, you can't
5 tell from the outside. There's only one way
6 to find that out, and that's to go inside and
7 fix it.

8 Q. Is it your testimony that either the holes
9 were elongated or they -- or the keel bolts
10 were bent?

11 A. Yes.

12 Q. And are you certain that one of those two
13 things occurred?

14 A. Yes.

15 Q. And is it your opinion that with either one of
16 those things occurring that the entire keel
17 needs to be replaced?

18 A. It needs to be taken off, and you can't take
19 it off -- just as Mr. Stefanowicz says, you
20 can't take it off without dismantling it.
21 That, in this case, means chopping it up into
22 little pieces.

23 Q. So is there any possible set of circumstances
24 in this particular case where just replacing
25 the damaged section of the deadwood and not

1 replacing the entire keel would be a
2 sufficient repair job?

3 A. The underlying problems of that were caused by
4 landing on a rock, or whatever it was, has
5 moved the keel off center. That moving the
6 keel off center has meant that the -- again,
7 either the bolts or the holes or whatever is
8 moved off of the center is no longer -- can no
9 longer be aligned. The boat's going to
10 vibrate. The boat is no longer safe
11 structurally. If you split part of the keel
12 or the deadwood like that, or if you bent the
13 metal bolts, they no longer have the strength
14 that they had when the boat was
15 obviously using -- an example, like when the
16 boat was new, no longer applies; because the
17 boat's not new.

18 But it has to be sound, and once the keel
19 is bent like that, if you don't address the
20 underlying problem, you can -- you can put
21 lipstick, as they say, on a pig; but it's
22 still a pig underneath there. And what we
23 need to do is figure out whether it's really a
24 pig or if it's a horse. And changing the
25 lipstick is not going to make the boat safer.

1 Only replacing the keel and finding out what's
2 wrong in there is going to make it safe.

3 MR. DINNOCENZO: Thank you.

4 MR. STERN: I have nothing further.

5 (The proceeding ended at 1:33 p.m.)
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1 STATE OF MAINE

2 I, Tammy M. Smith, a Notary Public in and
3 for the State of Maine, do hereby certify that
4 pursuant to notice there came before me on
5 July 29, 2020, the following-named person to wit:
6 EDWARD GLASER, who was duly sworn to testify to
7 the truth and nothing but the truth; that he was
8 thereupon carefully examined upon his oath and his
9 examination reduced to writing under my
10 supervision; that this deposition is a true record
11 of the testimony given by the witness.

12 I further certify that I am neither
13 attorney nor counsel for, nor related to, nor
14 employed by any of the parties to the action in
15 which this deposition is taken, and further, that
16 I am not a relative or employee of any attorney or
17 counsel employed by the parties hereto, or
18 financially interested in this action.

19 IN WITNESS WHEREOF, I have hereunto set
20 my hand this 5th day of August, 2020.

21
22 

23 Tammy M. Smith
24 Notary Public/Court Reporter

25 My Commission Expires: January 12, 2026

1 THE ORIGINAL DEPOSITION OF EDWARD GLASER SHOULD
2 INCLUDE THE FOLLOWING CORRECTIONS:

3 Page Line Change from this To this

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EDWARD GLASER

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